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THE  
**ANNUAL REGISTER,**  
OR A VIEW OF THE  
**HISTORY,**  
**POLITICS,**  
AND  
**LITERATURE,**  
OF THE YEAR  
**1836.**



LONDON:

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1837.



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THE  
ANNUAL REGISTER,  
FOR THE YEAR  
1836.

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HISTORY OF EUROPE.

CHAP. I.

*The King's Speech at the meeting of Parliament—Amendment to the Address acquiesced in the Lords—The same Amendment rejected by the Commons—Discussions regarding Orange Lodges—Address to the Crown against Secret Societies—The Orange Lodges dissolved—Bill to Reform the Irish Municipal Corporations.*

**I**N the present year, parliament met on the 14th February, and the king in person opened the session with the following speech :

*“ My Lords and Gentlemen,*

*“ It is with much satisfaction that I again meet the great council of the nation assembled in Parliament. I am ever anxious to avail myself of your advice and assistance, and I rejoice that the present state of public affairs, both at home and abroad, is such as to permit you to proceed without delay or interruption to the calm examination of those measures*

*Vol. LXXVIII,*

which will be submitted to your consideration.

*“ I continue to receive from my Allies, and generally from all Foreign Powers, assurances of their unaltered desire to cultivate with me those friendly relations which it is equally my wish to maintain with them ; and the intimate union, which happily subsists between this country and France, is a pledge to Europe for the continuance of the general peace.*

*“ Desirous on all occasions to use my friendly endeavours to remove causes of disagreement between other Powers, I have offered*

*[B]*

my mediation in order to compose the difference which has arisen between France and the United States. This offer has been accepted by the king of the French; the answer of the president of the United States has not yet been received; but I entertain a confident hope that a misunderstanding between two nations so enlightened and high-minded will be settled in a manner satisfactory to the feelings, and consistent with the honour of both.

"I have still to lament the continuance of the civil contest in the northern provinces of Spain. The measures which I have taken, and the engagements into which I have entered, sufficiently prove my deep anxiety for its termination; and the prudent and vigorous conduct of the present government of Spain inspires me with the hope, that the authority of the queen will soon be established in every part of her dominions, and that the Spanish nation, so long connected by friendship with Great Britain, will again enjoy the blessings of internal tranquillity and union.

"I have given directions that there shall be laid before you the treaty which I have concluded with the queen of Spain for the suppression of the slave trade.

*"Gentlemen of the House of Commons,*

"I have directed the estimates of the year to be prepared and laid before you without delay. They have been framed with the strictest regard to a well-considered economy.

"The necessity of maintaining the maritime strength of the country, and of giving adequate protection to the extended commerce

of my subjects, has occasioned some increase in the estimates of the naval branch of the public service.

"The state of the commerce and manufactures of the United Kingdom is highly satisfactory.

"I lament that any class of my subjects should still suffer distress; and the difficulties which continue to be felt in important branches of agriculture may deserve your inquiry, with the view of ascertaining whether there are any measures which Parliament can advantageously adopt for the alleviation of this pressure.

*"My Lords and Gentlemen,*

"I have not yet received the further report of the commission appointed to consider the state of the several dioceses of England and Wales; but I have reason to believe that their recommendations, upon most of the important subjects submitted to them, are nearly prepared. They shall be laid before you without delay, and you will direct your early attention to the ecclesiastical establishment, with the intention of rendering it more efficient for the holy purposes for which it has been instituted.

"Another subject which will naturally occupy you, is the state of the tithe in England and Wales; and a measure will be submitted to you, having for its end the rendering this mode of providing for the clergy more fixed and certain, and calculated to relieve it from that fluctuation, and from those objections, to which it has hitherto been subject.

"The principles of toleration by which I have been invariably guided, must render me desirous of removing any cause of offence

or trouble to the consciences of any portion of my subjects ; and I am, therefore, anxious that you should consider whether measures may not be framed which, whilst they remedy any grievances which affect those who dissent from the doctrine or discipline of the established church, will also be of general advantage to the whole body of the community.

"The speedy and satisfactory administration of justice is the first and most sacred duty of a Sovereign ; and I earnestly recommend you to consider whether better provision may not be made for this great purpose in some of the departments of the law, and more particularly in the Court of Chancery.

"I trust that you will be able to effect a just settlement of the question of tithe in Ireland, upon such principles as will tend at length to establish harmony and peace in that country.

"You are already in possession of the report of the commission appointed to inquire into the state of the municipal corporations in Ireland ; and I entertain the hope that it will be in your power to apply to any defects and evils which may have been shown to exist in those institutions, a remedy founded upon the same principles as those of the acts which have already passed for England and Scotland.

"A further report of the commission of inquiry into the condition of the poorer classes of my subjects in Ireland will speedily be laid before you. You will approach this subject with the caution due to its importance and difficulty, and the experience of the salutary effect already produced by the act for the amend-

ment of the laws relating to the poor in England and Wales may, in many respects, assist your deliberations.

"I rely upon your prudence and wisdom, and upon your determination to maintain, as well as to amend, the laws and institutions of the country ; and I commit these questions of domestic policy, to which I have deemed it my duty to direct your attention, into your hands, persuaded that you will so treat them as to increase the happiness and prosperity, by promoting the religion and morality, of my people."

In the House of Peers, the address was moved by the duke of Leinster and seconded by the earl of Burlington, and the only part of it, to which any objection was made was the passage which repeated the hope expressed in the speech from the throne, that the Irish municipal corporations would be subjected to a process of change "founded upon the same principles as those of the acts which had already passed for England and Scotland." These words raised at once a leading question between the contending parties ; for as the municipal acts of England and Scotland established a 5*l.* franchise in the one country and a 10*l.* franchise in the other, to establish in Ireland a system of municipal government founded on a similar basis, was to transfer to the papists that monopoly of municipal authority which had hitherto been enjoyed by the Protestants. The duke of Wellington, therefore, objected to the House being required, in voting the address, to pledge itself to the principles of any measure, before the measure itself had come regularly before them. It was not, he said, the

usual practice of parliament that the speech from the throne should enter into the principles of particular propositions which the government intended to bring forward. The custom had been, that the crown directed the attention of parliament to particular subjects, and announced that measures in reference to these subjects would be submitted to the legislature; and the address stated the readiness of the House to take these measures into consideration. But the present speech and address violated this usage, in so far as regarded the intended changes in the Irish corporations; for it pledged the House to particular principles of measures which did not exist, principles, moreover, of which he had no hope, and could not join in expressing a hope, that they could ever lead to any proper or satisfactory settlement of the question thus prematurely and irregularly raised. He moved to substitute the following words as an amendment: "We shall proceed, without delay, to the consideration of any defects or evils that may have been shewn to exist in these institutions, for the purpose of applying such remedies as may obviate all just causes of complaint, and insure the impartial administration of justice."

Viscount Melbourne expressed doubts of the accuracy of the proposition, that it was not usual for his majesty, in the speech from the throne, to point out the principles on which a particular measure ought to be founded. No authority or precedent had been quoted; and what good reason could there be for confining the king, or the king's advisers, to the more limited course now suggest-

ed? It was not enough to say that what had been done was unusual; it would require to be farther shewn, that the supposed practice rested on grounds of public utility. As to the paragraph itself, it had been anxiously framed for the very purpose of avoiding the objection which might have been made, if it had appeared to be the intention of ministers to apply to Ireland the same provisions for municipal government which had already been enacted for England and Scotland, and to disregard the obstacles which such a scheme would have to encounter in the particular circumstances of Ireland, the nature of its population, and the state of the inhabitants in its corporate towns. It was for this reason that the royal speech expressed, not a wish to apply to Ireland the provisions of particular acts, but the principles of these acts, so far as they might be suited to the circumstances of the Irish people. The speech, in truth, no more pledged the House to any particular provisions, than did the amendment, and he trusted, therefore, that the objection would not be persisted in. Other peers, however, having supported the amendment, and the defeat of the government being inevitable, if the question went to a division, the marquess of Lansdowne stated, that as the words introduced in the speech had not been used for the purpose of pledging the House to the nature of the remedy to be applied, and as the amendment contained nothing which would be inconsistent with the government following out the views suggested in the speech, ministers would not decline to make so small a sacrifice, in order to secure unanimity. The amend-

ment being thus conceded, the address was agreed to.

As the government was stronger in the Commons, a similar objection did not find there the same spirit of concession. The address, which echoed the speech, having been moved by sir John Wrottesley, one of the members for Staffordshire, and seconded by Mr. Parker, one of the members for Sheffield, Sir Robert Peel, after advertizing to the other topics in the speech, which did not seem to him to call for any formal opposition, stated his strong repugnance to the paragraph which regarded what was called Irish Municipal Reform. If the words of the speech were adopted, the House would be contracting an obligation to apply in Ireland the principle which had been already applied in England and Scotland. He might perhaps be justified hereafter in saying that the address of that night pledged him to nothing; but as that address would go forth to the public, and a different interpretation from that which he intended might be put upon his assent to it, he was desirous not to be a party to anything which might appear like a deception. He objected to being called upon to give any pledge, apart from all considerations of the merits of the question—first, because he thought it unfair, upon the notice of an hour, to be called on to decide on a measure of such paramount importance; secondly, because one part of the house knew what that measure was, and another did not; and to pledge the house to measures, of which ministers were cognizant, but the House was not, was, in his opinion, as unfair as it was unwise. Moreover, it was inconsistent with the course pursued during the last

twenty years by all governments and by all oppositions. There had been a mutual feeling on both sides of the house that it was desirable to avoid calling upon your opponents to give on the sudden such a pledge as was now demanded, and the addresses had in consequence been so framed as to leave it unpledged, even upon questions on which government avowed its intention of bringing in bills of the first importance. When the bill granting Catholic emancipation was submitted to Parliament in 1829, notice was given of it in the speech from the throne, but in such terms that the party opposed to it did not find it necessary to move an amendment to the address. When the reform bill was brought forward—when the government was exceedingly strong, after the dissolution of the parliament which first opposed it—ministers, though they intended to press that bill through Parliament in spite of all opposition, cautiously abstained from introducing into the address words which would have compelled, or at least would have appeared to have compelled, their opponents to pledge themselves to the support of that bill. He referred also, as a proof of the injustice of this portion of the address to the remainder of the address itself. It touched on other points of great domestic importance, but it demanded no pledge. It demanded no pledge as to English tithes, or the reforms of the court of chancery, or the mode of introducing poor-laws into Ireland. It contented itself with saying that which he was prepared to say with regard to the reform of the municipal corporations of Ireland—namely, that he was ready to give it his immediate and most impar-

tial consideration. Let the House act with some regard to consistency. What was the course which it was now going to take with respect to the appropriation question? That question contained a principle to which a majority of the House of Commons assented, "that no measure upon the subject of tithes in Ireland could lead to a satisfactory and final adjustment, which did not embody the principle determined on in the resolution of the 23d of March." Had ministers called upon them to repeat their assent to that principle? No; wisely they had not. However firmly their minds might be made up on that principle, although it had been asserted and ratified by a majority more than once, they had acted wisely in not calling for a repetition of their opinions upon it on the very first day of the session. The terms in which ministers spoke of poor-laws for Ireland were cautious and measured. The address proposed to thank his majesty for the information that a further report of the commission of inquiry into the condition of the poorer classes in Ireland would speedily be laid before the house, and to assure his majesty that Parliament would approach the subject with the caution due to its importance and difficulty, and impressed with a conviction that the experience of the salutary effect already produced by the act for the amendment of the laws relating to the poor in England and Wales might in many respects assist their deliberations. Why not treat the question of Irish municipal reform in the same manner as was here suggested in reference to Irish poor-laws? Even the commission-

ers of inquiry into these corporations, advantageously circumstanced as they were, had studiously avoided expressing any decided opinion on the subject; and if it was a matter of so much doubt to the commissioners, that they abstained from offering any specific recommendation, was it common fairness, policy, or justice, at half-an-hour's notice, to call on the house, to promise to adopt not only a specific remedy, but one founded on precisely the same principle as in other cases which might be widely different from the present? Sir Robert concluded with moving the same amendment which the Duke of Wellington had moved in the Lords; and which, he stated, had been purposely framed in a way which he thought rendered it possible for gentlemen opposite, though retaining their own opinions on the subject of Irish municipal reform, and determined to enforce their principles to the utmost of their ability, to avoid an appearance of disunion on the address by concurring in his proposition.

Lord John Russell thought that the speech, and consequently the corresponding passage in the address, was cautiously worded, and did not tie down any member beyond what he might agree to, whatever were his opinions, without compromising his right to judge of any plan which might be brought forward. The speech merely expressed a hope that it would be in the power of the House to reform the Irish corporations on the same principles on which those of England and Scotland had been reformed; and ministers had advised the expression of this hope, because they entertained it. The great principles established in

the municipal reforms of Scotland and England, were paramount in his mind, and he never would belong to any Ministry where a hope of their general establishment was not entertained and acted on. However, the question was perfectly open, so far as parliament was concerned. They might entertain a hope on the subject, and yet find when they came to examine it, that it was not in their power to extend these principles to Ireland. There were differences of detail even between the reformed systems of England and Scotland; the franchise, for instance, was different; and when the king's speech spoke of the principles applied in England and Scotland, and expressed a hope of their applicability to Ireland, it was quite clear that parliament was not bound down to either plan, but that the general principles of popular election and control, as opposed to self-election and abuse, were the points held in view. Who could refrain from expressing a hope that those principles might be applicable in Ireland as well as in England and Scotland? The opinion of ministers was, that the same principles might be applied in both cases. Gentlemen opposite might differ from them, and yet agree to this address, for they could scarcely refuse to express a hope that a desirable event might take place, although they should be ultimately disappointed in the expectation. Ministers could not adopt the amendment without disappointing the hopes which were entertained on this subject. The address merely stated, that parliament had adopted certain principles in regard to England and Scotland, and would endeavour to apply them to Ireland; and if

ministers, instead of abiding by the words of the address, only said that they would reform abuses, they would justly incur the suspicion that they were about to dispense to Ireland a smaller measure of justice than had been extended to England and Scotland; that they hesitated to perform their task, because they were fearful of some danger, which indeed had not been defined, but which would be interpreted in Ireland to be the danger of destroying monopoly and abuse.

Lord Stanley supported the views of sir Robert Peel, and asked what could prevent ministers from following in the house of Commons the example which, it was now known, had been set by their colleagues in the house of Lords. If the amendment of necessity altered or compromised the position of ministers, or pledged them to a different course of conduct from that which they thought desirable; if it weakened their strong determination, or the expression of their strong determination, to do what they conceived full justice to Ireland, why had they conceded its adoption in any case, or on any consideration? If it did none of those things, but, on the contrary, enabled those, who were anxious for farther information on so momentous a question, cheerfully to unite in one common expression of loyalty to the throne, on what ground of reason, prudence, or political wisdom, could it fairly be objected to? Ministers would do wisely, and act that conciliatory part which best became them, if, without sacrificing their own opinions, they so far yielded to even the prejudices—if they pleased so to call them—of the opposite party, as not to insist on unnecessary

words which could be of no importance whatever in the address. The government might see no reason why Ireland should not forthwith be dealt with as England and Scotland had been. The question, however, was not whether there were or were not reasons for so dealing with it; but whether, without discussion, without hearing the ministerial plan, without considering the differences which were acknowledged to exist, they should bind the house to adopt precisely the same line of conduct in different circumstances.

The amendment was likewise supported by Mr. Hardy and Mr. Shaw. Lord Howick, Lord Palmerston, and Mr. O'Connell spoke in support of the address; and the principal result of the discussion was to shew that the real intention of the words used in the speech and the address was not to express a contingent hope, but to announce a resolution already adopted. Mr. O'Connell gave warning that if Ireland got less than had been granted to England and Scotland, the cry of repeal would again be immediately raised. "I caution you to beware," said he; "if you again excite that cry, let it be at your peril." He declared, however, that he did not mean to menace, while he concluded his speech by assuring the house, that as the people of Ireland would go to the death in maintaining the union if they obtained justice, in which was included this form of municipal change, so, if justice were refused to them, they would go an equal length for its dissolution. Lord Howick described the amendment as being a formal refusal to give Ireland the benefit of the same popular institutions which had been created in the other parts of the

kingdom, apparently forgetting that his colleagues had accepted it in the house of Peers as possessing no such character. Where such views were entertained, it was impossible for ministers, especially as no apprehensions of defeat operated on their prudence, to concede the point as they had done in the Lords; and, on a division the original address was carried by a majority of 41, being supported by 284 votes, while there were 243 for the amendment.

As Ireland had thus presented the first subject of debate so it continued to furnish, during the session, the principal topics to which public attention was directed, because they were those on which the opposing parties were most formidably marshalled. Mr. O'Connell and his friends lost no time in returning to the attack on the Orange Societies, which had been begun during the preceding session. On the 12th of February, Mr. Finn moved a resolution, "That Orangeism has been productive of the most baneful effects upon the character and administration of public justice in Ireland; that its prevalence in the constabulary and peace preservation force and yeomanry corps of that country, has led individual members, as well as large bodies of the above description of force, to the gross neglect and violation of their public duty, and to open, daring, and lawless resistance to the authority of the magistracy, and of the executive government, on various occasions. That the systematic and surreptitious introduction of Orangeism into every branch of the military service, in almost every part of the empire, in direct violation of orders issued in 1822 and 1829, by the commander-

in-chief of his majesty's forces, and the absolute power and control vested by its governing body, the grand Orange lodge of England and Ireland, in his royal highness the duke of Cumberland, together with the rank, station, influence, and numbers of that formidable and secret conspiracy, are well calculated to excite serious apprehensions in all his majesty's loyal subjects, and imperatively call for the most energetic expression on the part of the representatives of the people of this empire, to secure the safe, peaceable, legal, and rightful succession to the throne of these realms."

Some parts of this resolution betrayed as much of the blindness and incredulity of party spirit as could be ascribed to the most bigotted Orangeman. As the Orange societies were founded on the interests or the ascendancy of Protestantism, in a country where Popery was the religion of the great majority in numbers, and as they furnished means for concentrating and regulating the influence of these Protestants, it might be very true, that they were viewed with great apprehension by his majesty's Popish subjects in Ireland. But, assuredly, the people of England and Scotland had neither felt nor expressed any fears regarding them; and when Mr. Finn, by his resolution, declared these societies to be engaged in a conspiracy, and insinuated, at least, that the object of this conspiracy was no less than to alter the succession to the throne; and, for that purpose, to corrupt the army, he fell into one of those outrageous absurdities, the belief in which betrays, that a man's mind is too much under the influence of party animosity,

to judge calmly of any political question. In the speech with which he introduced the resolution, he treated the Orange system as one of deadly hostility to the great mass of the population; and asserted that it was established by the report of the secret committee, that the Orange society set law, justice, and authority, at defiance, for the protection of their own members in every act of barbarity and injustice which they might choose to inflict on their Catholic countrymen. Mr. E. Buller, likewise, who seconded the resolution, described the Orange association as being an exclusive association, while nominally it was formed for the purposes of self-defence, and the protection of life and liberty. Its true object was not self-defence, but Protestant ascendancy—not the protection of that party, but its domination. Its spirit pervaded all classes—magistrates who had to administer the law, and who appointed the police—sheriffs and under-sheriffs who had to strike juries, and who purposely excluded Roman Catholics. It was scarcely possible that justice could be well administered, where such a system prevailed; and, accordingly, the instances were numerous, in which outrages committed by Orangemen on Catholics had been allowed to pass unpunished.

As notice had been given for the 23d of February, by Col. Verner, member for the county of Armagh, to extend the inquiry to other societies existing in Ireland than those of Orangemen, and as Mr. Hume was to bring forward, on the same day, certain resolutions directed to the same object which Mr. Finn had in view, the House agreed, on the suggestion of lord

John Russell, to adjourn the further consideration of the motion to that day. On the 23d, Mr. Hume entered, at great length, into the evidence which had been given before the select committee of the previous session, and the documents which had been laid before it by the office-bearers of the Orange Association, including their official correspondence, and a good deal of what seemed to be private correspondence. In fact, it was stated by Mr. Hume himself, that almost the whole of the evidence had been derived from the officers of the institution themselves—a fearlessness of disclosure which betrayed no consciousness either of moral or of legal guilt. He stated, that there were in Ireland 1,500 lodges, and in England 300, not only strictly exclusive, in so far as regarded Catholics, but formed for the purpose of opposing and oppressing the Catholics. In Ireland, the Orangemen amounted to about 200,000 men capable of bearing arms, and, at various times, as many as 10,000, 20,000, and even 30,000, had been assembled by the authority of the grand master. It was an association, whose members had, at all times, arms in their possession, and most of whom were ready, on every occasion, to violate the law, in order to perpetrate aggressions against their opponents. Wherever they assembled in any considerable force, bloodshed generally followed, because, being confident in their arms and their numbers, they never hesitated to excite the Catholics, and to commit against them the grossest outrages. So far back as 1811, Mr. Justice Fletcher, in addressing a grand jury, had attributed much of the disturbance that prevailed in that

country, to Orange societies, and had declared that they were illegal; yet they had been allowed to go on, without any attempt to check or restrain them. The law could not be administered, till Orangeism was put down. In the present state of the association, juries could not be found, who would administer justice impartially. Magistrates would sometimes refuse to take examinations, or at least put off doing so as long as possible. Individuals charged with murder, were often allowed to escape, and the very sources of justice were corrupted. Lord Gosford stated, that only in one or two instances had he known a Catholic to be put upon a jury. In Fermanagh, there had been no Catholic upon a jury for thirty years. Orangemen, when brought to trial, were acquitted, or let off with a trifling degree of punishment, while the Catholic, if found guilty, was uniformly punished with severity. If, then, the Catholics were persuaded that they could not obtain justice, as the law was at present administered, was it to be wondered at that they should try to take it into their own hands, or that disgraceful outrages on persons and property should be the consequence? These were acts done in self-defence; for Orange magistrates and jurymen were not easily brought to condemn Orange criminals. Even the judges had a leaning that way. It did not, indeed, appear from the evidence, whether they were thus biassed now; but the very suspicion was productive of mischievous results. It was now clearly proved, too, that Orange societies were connected by secret signs and symbols. All the evils, likewise, to which they led, were aggravated

by the rank of those who directed them. Their assemblages, instead of being restrained, were headed by the magistracy, by the deputy-lieutenants, by gentlemen of weight and consideration, and even by clergymen of the established church. It was, therefore, highly expedient that government should take steps, in regard to persons in civil offices, similar to those which had already been adopted in regard to the army. Every officer connected with the administration of the law, or the preservation of the public peace, ought to be dismissed, if he was an Orangeman. The police and constabulary force was mainly Orange: the yeomanry was also Orange, and contained many who had been rendered infamous by their convictions in courts, but who, so soon as their punishment was over, were again received into the corps, as if they had acquired a new qualification for the service. The yeomanry, so far as the Orangemen were concerned, ought to be disbanded. It was the more necessary, Mr. Hume contended, that government should now act with vigour, because it appeared from the documents laid before the committee, that the association, during the last two or three years, had been actively striving to extend its influence and ramifications, and had sent one of its officers through the kingdom, under a warrant of the duke of Cumberland, on an itinerant expedition, to confirm old lodges, and to organise new ones. Mr. Hume, likewise, although he did not assert, like Mr. Finn, that the Orange lodges were in a conspiracy to alter the succession, yet maintained that the duke of Cumberland, as their official master, was a dangerous man. They regarded

his royal highness, he said, as their political head; he was stated in all the correspondence, to be the supreme head of the grand Orange lodge of Great Britain and Ireland: it was laid down that his pleasure was law, and that the Orangemen were bound to obey his summons; and thus his royal highness had the power of assembling a body of 300,000 men. It appeared that he possessed similar authority in regard to the colonies; and if he persisted in continuing to be the head of such a body, it was time to consider whether he was to be king or subject, for that was the real question. Nay, the evidence gave reason to suspect that the individual, who had been sent through the kingdom to forward the objects of the institution, under a warrant of the grand master, had hazarded speculations on the possibility of the king being deposed, and a regency, at least, established under the duke of Cumberland, during the minority of the heir apparent.\* Mr. Hume moved, "That this house, taking into consideration the evidence given before the select committee appointed to inquire into the nature, extent, character, and ten-

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\* This had reference to a letter which a person of the name of Haywood, after being dismissed from a lodge, had addressed to lord Kenyon, in October 1835, and in which he asked, "Did not his royal highness, as grand master, and lord Kenyon, as deputy grand master, know what their missionary, colonel Fairman, had done in 1832; or rather, did he not act under the directions of his royal highness, or lord Kenyon; and was he not, under their directions, instructed to sound the brethren how they would be disposed, in the event of king William IV. being deposed, which was not improbable, on account of his sanctioning reform in parliament; and

dency of Orange lodges, associations, or societies in Ireland, and of Orange institutions in Great Britain, and the colonies; and seeing that the existence of Orange societies is highly detrimental to the peace of the community, by exciting discord among the several classes of his majesty's subjects; and seeing that it is highly injurious to the due administration of justice, that any judge, sheriff, magistrate, jurymen, or any other person employed in maintaining the peace of the country, should be bound by any secret obligation to, or be in any combination with, any association unknown to the laws, and founded upon principles of religious exclusion—that, even if justice were impartially administered under such circumstances, which is in itself impossible, yet any connexion with such societies, would create suspicions and jealousies detrimental to the peace and good government of this country: that Orange societies, and all other political societies, which have secret forms of initiation, and secret signs, and are bound together by any religious ceremony, are particularly deserving of the severest reprobation of the house, and

should no longer be permitted to continue—an humble address be presented to his majesty, that his majesty will be graciously pleased to direct measures to be taken to remove from the public service, at home and abroad, every judge, privy councillor, lord-lieutenant, custos rotulorum, magistrate, militia officer, inspector, chief constable of the constabulary and peace-preservation force, every officer of police in Ireland, and every functionary employed in the administration of justice, and in maintaining the peace of the country, who shall attend the meetings of any Orange lodge, of any ribbon lodge, or of any other political club, institution, or association, whenever or wherever assembled, having secret forms of initiation, and being bound together by any religious ceremony, and with secret signs and pass-words for recognition of members of such bodies, and who shall not withdraw from such societies or associations, on or before the expiration of one month after the publication of any proclamation which his majesty may be pleased to direct to be issued hereupon, forbidding their continuing to be members of such Orange lodges, societies, and associations."

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that, if so, it would become the duty of every Orangeman to support his royal highness, who would then, in all probability, be called to the throne?" There was something very suspicious in this revelation of supposed designs entertained by a body to which the maker of the revelation had, nevertheless, continued to belong for three years. Colonel Fairman immediately published a letter, declaring the whole statement to be a falsehood, and adopted judicial proceedings against Haywood, which dropped, however, in consequence of the death of the latter.

This resolution, it was plain, contained some startling things, more particularly the power which was thus implied to reside in the crown, of removing a judge, or any functionary connected with the administration of justice holding an office for life, upon a simple address of the House of Commons, declaring that he had done something, which they thought he ought not to have done. Sir William Molesworth, member for Cornwall, devoted himself to

prove that the societies, against which the motion was directed, had already been declared illegal ; a position which should have led merely to an address to the Crown to cause the statutes to be enforced. He contended that the grand lodge of England and Ireland was an illegal association under the statutes of the 37th, 39th, and 57th of George III., and that the ritual observed at the initiation of members was to all intents and purposes, an oath. The Orangeman bound himself to obey, for whatever purpose, the commands of his grand-master, who had no authority by law ; and that was an illegal engagement under the 37th of George III. The 39th of George III. declared that every society, which should be composed of different divisions or branches acting separately from each other, and having a president, secretary or other officers elected or appointed in such divisions, should be deemed an unlawful confederacy. Now, the Orange society was composed of such divisions ; each lodge was a separate branch, having its own officers, and acting separately from the others. The very preamble of the statute contained a description of the Orange institution ; for it spoke of illegal associations using secret signs, appointing their officers in a secret manner, and composed of different divisions corresponding with each other through the medium of secretaries, delegates, or other officers ; and it set forth that, by such means, these societies obtained influence over large bodies of men, and deluded the unwary and ignorant into the commission of acts highly criminal. These statutes were still in full force, and had been vigorously executed against

the ignorant and simple. It was not long since certain labourers had been convicted under them at Dorchester, and were now suffering the sentence of transportation. These men had combined to raise their wages, which was not in itself an illegal proceeding. They formed a secret society, which was not necessarily illegal : they bound themselves by religious ceremonies, not, however, more profane than those of the Orange institution : they uttered certain words which were construed to be an oath ; and for this these poor and ignorant men were transported, for their leader and commander was not a prince of the blood. Let the leaders of the Orangemen be dealt with in the same way. He was sure that evidence could be produced sufficient to insure a conviction in any court of law. Many members of the institution, now aware of its noxious tendencies, would gladly bear such testimony as would infallibly convict the chiefs of a misdemeanour. The House must remember that this offence was a misdemeanour, and consequently liable to be tried, not by the House of Peers, but by a common jury. Let, then, the law officers of the crown without delay prefer a bill of indictment before the grand jury of Middlesex against the illustrious grand master of the Orange institution, against Lord Kenyon, the deputy grand master, against lord Chandos, against lord Wynford, not forgetting the prelate of the order, Thomas lord bishop of Salisbury. Thus this society would easily and quickly be annihilated, and a few years residence on the shores of the Southern Ocean would teach the

titled criminals that the laws of their country were not to be violated with impunity, and that equal justice was distributed impartially to both high and low. He was not sufficiently acquainted with the criminal law of Ireland to be able to say whether the Orange institution was illegal in that part of the empire; but of this he was aware, that the members of the Irish grand lodge might be transported, as they were in the practice of attending meetings in England, and as the statute comprehended within it all who either directly or indirectly maintained intercourse with any such society, or by contributions of money or otherwise aided, abetted, or supported them. Let the House instantly deprive of his office every magistrate on the list of the society; let them dismiss from their employment every functionary who belonged to it; let them cause the Horse Guards rigidly to enforce its orders on this subject. Let them consider the muster-roll of this society, as the list of their bitterest foes, and the implacable enemies of the people's rights. Sir William thus claimed for the Commons, in his hot zeal for the people's rights, the power of depriving every functionary in the empire of his office at their pleasure.

Lord John Russell agreed, that it was most desirable to suppress these institutions, and all similar societies, although the Government could not approve of some of the modes of doing so which were now proposed. Looking particularly to the statements made by those who were members and great officers of the Orange lodges, and without at all intend-

ing to cast any imputation on what they declared to be their motives, he thought the effect of those societies had been injurious to the good government of Ireland. By the existence of societies of this kind, arranged in bands, following no recognised or lawful authorities but their own leaders, and holding it to be a part of their duty to enter into warfare and dissension at their command, whether founded upon religion or not, a distinction was made between them and some other part of the King's subjects, who formed themselves into counter societies with other names and distinctions; and a perpetual and ever-recurring source of disunion, disaffection, quarrels, and bloodshed was created. It was an evil of these societies, where men of the lowest order were brought into conjunction with men of the highest, that the former were taught to look to those who were high in authority in the society as the leaders to whom they ought to render obedience, instead of to the crown, and the depositories in which the trust of the crown was placed. The natural allegiance of the subject was weakened, in so far as he was taught to look to two heads and two sovereigns, instead of one; and while the one received only that general abstract deference which led to no results, to the other was united that combination of party passion and sectarian feeling, as it might be in this case, which rendered the obedience paid to the one sluggish and passive, while that paid to the other was certain and active. It was an evil inherent in these societies, that being thus supported by their own leaders, they clung to their party feelings, and party animosities, in despite of the suppre-

macy of the law. But, however clear it might be that it was desirable to get rid of all societies bearing this character, whether known as Orange or Riband societies, or by any other name, it was by no means so clear how that object was to be attained. A report had been made last year by the Committee on Orange lodges, which stated, that the existing statutes, if put in execution, would be quite adequate for the suppression of such institutions. He had discussed this question in all its bearings with the Attorney-General, and the impression on his mind was, that the question whether these societies were legal was one of very great doubt. The Attorney-General had said, that, without looking most carefully at the whole subject, he could not venture absolutely to pronounce an opinion as to their legality or illegality; and the Solicitor-General took a similar view of the case. The government, therefore, were of opinion that if the severe penal statutes already in force did not contain clear enactments against this offence, it was not proper for them to seek some meaning in the law, which would be construed by others, and probably by men of eminence at the bar, into a straining of the provisions of the law, and would make it doubtful whether they had not forced the meaning of an enactment in order to procure a condemnation of the societies in question. Even if they had been able to discover, that although the Orange societies had contrived to evade the law in some points, they had yet contravened it in others, and could have thus obtained a conviction against them, he thought it would be mischievous to the general liberty of

the subject to attempt giving a strained interpretation. It appeared from the opinions of eminent lawyers, of whom Lord Gifford was one, that in 1822, the Orange societies were not held to come within the meaning of the law, and, therefore, if they came at present within the terms of any act, it must be in consequence of some recent change in their constitution. Now, if they were considered legal in 1822 by great authorities, and if, without any real and substantial change, some merely formal alteration had taken place, which rendered them amenable to the penalties of the statutes, he would be averse to putting the question on such narrow ground. Neither did the government think it advisable to propose any new law against them. By such a proceeding the secret signs and distinctive marks presently in use might be made to disappear, but they would be succeeded by some other evasion of the law. A general address, again, to the crown, affecting, all judges, without entering into the case of each individual, he scarcely thought consistent with the independence of the bench. As to removing at once every magistrate and person in office belonging to the Orange societies, those magistrates in Ireland, who had belonged to them, and who had entered them as he believed, with the conviction that they were intended to secure the Protestant interest in that country, if they should be removed at once by an address of this kind without any previous declaration, either from the House of Commons or the crown, would conceive such a stigma affixed to them, that they would still remain banded together from a spirit of resentment, and

would regard the measure only as an unfair and biased transaction. Though there had been many persons in public employments, who were members of Orange lodges, the government, had not thought proper to remove those individuals for that cause; but, at the same time his colleagues thought, and he was himself disposed to adopt this course, that, where a person applied for any official situation of trust and responsibility under the crown, inquiry should be made whether he were an Orangeman, and if he meant to continue in that society, that his appointment should not take place. It was not only convenient to adopt measures of discouragement in respect to those societies, but, when their nature was so completely unveiled as to be condemned in the opinion of liberal men of every party, they must gradually diminish; and he was prepared to add to these discouragements the further discouragement of an address to his Majesty by this House. He was not prepared at once to address his Majesty to remove all persons from the situations they held without some more clear and decided allegations against them; but if the house came to the opinion that those societies were mischievous, and were to address the crown to discourage them, and the sanction of the crown was obtained to that address, persons of high station belonging to those societies would be placed in a different situation. Persons who belonged to Orange societies, and who were members of that House and of the other House of Parliament—persons in high situations in Ireland, and the illustrious prince, likewise, who

had been alluded to, when he knew the sentiments of that House, and that they had received his Majesty's sanction, would take a different view of their duty; and whatever ends they might propose to themselves from the establishment of Orange institutions, they would not be so indifferent to the welfare of the country as to resist an opinion so solemnly pronounced. He, therefore, moved, "that an humble address be presented to his Majesty, praying that his Majesty would be graciously pleased to take such measures as to his Majesty seemed advisable for the effectual discouragement of Orange lodges, and generally all political societies, excluding persons of different faith, using signs and symbols, and acting by associated branches."

Mr. Maxwell, member for the county of Cavan, Colonel Percival, member for the county of Sligo, and Colonel Verner, for the county of Armagh, defended the Orange societies of Ireland against the imputations with which they had been assailed. They refused to be tried by the report of the committee; for its proceedings, they said, had been partial and biased, and, there had been nothing like a full and impartial investigation. So little did the Orangemen dread inquiry that the grand committee at Dublin had placed at the disposal of the House all its books and documents, had directed that all the rules and pass-words should be revealed to the committee, and that the fullest information should be afforded. They treated with deserved contempt the insinuation that the Orange body wished to alter the succession to the throne.

The principles of Orangemen were those of uncompromising loyalty to the crown, the constitution, and the church, and by these they would be found to stand, whatever might be their circumstances of prosperity or adversity. They had been strictly defensive, and had been called into existence by the exigencies of the times, and the dangers arising from associations of a very different character. They would not oppose the resolution; the Orangemen would at once acquiesce in the wish of the House, and yield obedience to the expressed will of his majesty. There was not a man amongst them who, rather than act the part of a bad subject, would not cease at once, however painful it might be to his feelings, to be a member of such a society. But they objected to the specific mention of the Orange lodges by name in the address, while these formed only part of the secret societies which existed in Ireland. This was to stigmatise those who were ready, at the call of his majesty, to relinquish all secret associations, but who still would feel the sting of being chiefly aimed at as the only society named. The influence of those individuals who took the lead in Orange lodges, and who were now willing to act up to the spirit of the resolution, would be greatly weakened, and their power of inducing others to imitate their example would be much diminished, if they believed (and they would believe it, if they saw that they only were mentioned) that the chief aim of the resolution was to put down Orange associations exclusively.

Lord Stanley, after highly complimenting the home secretary on the triumph he was about to

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obtain, by the mild, quiet, prudent and statesmanlike tone which he had assumed upon this occasion, and Irish Orange members on the frank and manly conduct with which they had met the conciliatory views of the government, strongly urged the omission of the obnoxious words. It was impossible for any one to doubt from what had occurred with respect to Orange associations in the last session of parliament, that they were most pointedly included in the spirit of the present resolution, and that this would have been the understanding with respect to them, whether they had been mentioned by name or not. The Orange members had so understood it, and had expressed themselves willing to make the required sacrifice, though the name of Orange societies had not been mentioned. For his own part he did not object to the words; but though he did not, he still felt that they were objected to by others as tending to diminish the power and influence which they were prepared to assert in carrying out the spirit of the resolution. It was important for the purpose of the resolution itself that this power should not be diminished, nor any stigma be thrown on those who were ready to exert it. He was sure it was not meant by the use of those words to cast any imputation. The resolution was so understood by the opposition side of the House. But the same feeling would not be found to exist amongst their less-informed brethren. Amongst that class, the use of the words, that were objected to, might have the effect of marring the exertions of those members who were disposed to act up to the spirit of the resolution. Let it be recol-

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lected that in carrying out the resolution, they had to encounter the prejudices and feelings of persons who would take a very different view of it, and who might not be prepared to make a similar sacrifice. Sir Robert Peel urged the same topic, stating, that although he was prepared to agree in the resolution, it was not without a great sacrifice of opinion. He was sure that it would be for the tranquillity of Ireland that an end should be put to all secret societies in that country. The existence of any of them was an evil, inasmuch as it held out a bad example to others. His opinion and his wish were, not only that an end should be put to all such associations, but also that the spirit in which they originated should be entirely and effectually suppressed. If the spirit remained, they would gain little by the suppression of its external forms. But he objected to proceeding by resolution; he thought they ought to indicate the will of the legislature by a law rather than by a resolution of one branch of it. They ought studiously to avoid a course, by which a dominant majority of that House could denounce any party. They should be cautious in denouncing by a majority of that house any proceedings of any bodies, which, though they might be objectionable in many respects, might still not be against any law of the land. The resolutions of that House had no force, except such as the prerogative of the crown might give them; they had not the force of law; and this was the first time that he had heard of establishing the precedent of a resolution of that House, disqualifying for office on the alleged ground of conduct, the legality of

which was at least questionable. However, he waived all those objections, for he perceived that all in that house were prepared to address the crown to put an end to all secret societies; but he saw no advantage that could be gained by the specific mention of Orange societies, which the words of the resolution virtually included even without naming them. Ministers should bear in mind that the acquiescence of the opposition side of the House in their proposed resolution was not the acquiescence of a reluctant minority. They had come to the House prepared to oppose the criminatory resolution of Mr. Hume, but they had likewise come prepared to support an amendment, which the chairman of the committee on Orange lodges had intended to move, if he had not been anticipated by Lord John Russell, and of which the latter's resolution was merely a copy, with the addition of the objectionable words.\* To this address they had been prepared to agree, before they knew the course which the government was to follow; and as it was not to mere Orange lodges that he objected, but to the spirit in which they and other associations had originated, he thought that the most effectual mode of suppressing secret societies would be not to insist on words which,

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\* The amendment which Mr. Patten, who spoke immediately after Lord John Russell, intended to have moved, was, "That an humble address be presented to His Majesty, praying that His Majesty would be graciously pleased to take such steps as may be deemed desirable to discourage all political societies excluding persons of different religious faith, using signs and symbols, and acting by affiliated branches."

without serving any substantial purpose of good, were found offensive to those whose example and influence would be most beneficial to the object which the House had in view. The Orange members had expressed themselves disposed to make great sacrifices for this purpose, and it would be prudent and politic in the House not to weaken the influence of those from whom they had reason to expect such useful co-operation.

Lord John Russell, however, insisted on retaining the words, while he denied that they implied any stigma. There was no opinion pronounced as to the legality of these societies, but merely that they, as well as other secret societies, should meet the disapprobation of the crown. He thought, after what occurred last year, that the house was bound to declare its opinion, whether these societies were or were not injurious to the public tranquillity, and that they would not meet the case fairly, if they did not insert the words in question. All the previous debate had referred to these societies; and, while they mentioned other societies in general, it was their duty to mention these in particular. The Orange members not having insisted on a division, the resolution of lord John Russell was unanimously agreed to as an amendment on that of Mr. Hume, who did not press his own, though he declared that he still considered it the better of the two.

The address having been presented to the king, his majesty, on the 25th of February, returned the following answer:— "I willingly assent to the prayer of the address of my faithful commons, that I will be pleased to take such

measures as may seem to me advisable for the effectual discouragement of Orange lodges, and generally of all political societies, excluding persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches. It is my firm intention to discourage all such societies in my dominions, and I rely with confidence on the fidelity of my loyal subjects, to support me in this determination." The home secretary transmitted the address and the king's answer to the duke of Cumberland, as the official head of the Orange societies. His royal highness answered that, before receiving that communication, he had recommended the dissolution of the Orange institution in Ireland, in conformity with the known loyal principles of that body, and that he would forthwith adopt steps for the dissolution of the institution in England. The Orange societies immediately acquiesced, some of them with more cheerfulness, others of them with less, and all of them with regret. People asked, would a similar regard to expression of opinion by the commons and the crown have been manifested by those mischievous associations, which the popish demagogues employed to extend their own political power and the influence of their church, and which had set even acts of parliament at defiance?

The next measure regarding Ireland, which occupied the house, and one of the great party questions of the session, involved to an infinitely greater extent the relation in which the protestants and catholics were to stand to each other. After popular municipal institutions had been established

in England and Scotland, it was manifest that the same demand would be made in favour of Ireland, and that the question would then assume a much more difficult and important character. The innovations introduced in Great Britain had only extended the application of the democratic principal in its local governments; but in Ireland, the political question was necessarily mixed up with religious considerations. To open the Irish corporations, and create a five-pound or ten-pound municipal constituency, would not merely be the enlargement of a political franchise, but would be a transference of all power from the protestants who had hitherto exercised it, to the great body of the popish population. Both parties might be equally admitted in name, but, in practice, the followers of the reformed faith would be excluded. Every borough would be subjected to the control of catholic ecclesiastics and demagogues, and all the powers of municipal government would be placed in the hands of a population too ignorant and rude to use them well. But though the danger of putting Ireland on the same footing with the other parts of the empire was sufficiently obvious, yet the very fact that in England and Scotland the corporations had been founded on a system of popular election, presented a great difficulty in resisting the application of the same principles to Ireland. The example had been set; the rule had been laid down; and the conservative party would have to prove the propriety of making Ireland an exception, by shewing that the circumstances of that country, and the condition and

divisions of its inhabitants, required a different mode of treatment—considerations which, however well founded, exposed them to the risk of being represented as establishing systems of government merely in relation to variances of religious creeds. The corporations, as they stood, were exclusively protestant; if they were altered as they had been in England and Scotland, they would become exclusively popish. Neither could it be maintained, after what had been already done, that they ought to be left in their present condition. A royal commission appointed to inquire into the state of these incorporations had reported, “that they provided no means, and contained no constituency, by which the property, the interests, and the wishes of the whole local community might secure a fair representation in the corporate body: that in many towns there was no recognised commonalty; that in others, where it existed, it was entirely disproportioned to the inhabitants, and consisted of a very small portion, of an exclusive character, not comprising the mercantile interests, nor representing the wealth, intelligence, or respectability of the town. The corporations, and not without reason, were looked on by the great body of the inhabitants with suspicion and distrust, as having interests distinct from, and adverse to, those of the general community, whom they thus studiously excluded from any participation in the municipal government. Their members frequently consisted of the relations and adherents of particular families or individuals, and the principles of their association, and those which

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regulated admission and exclusion, had rarely any connexion with the common benefit of the district or the wishes of its inhabitants. In by far the greater number of the close corporations, the persons composing them were merely the nominees of the patron or proprietor of the borough ; while in those which apparently were more enlarged, they were admitted and associated in support of some particular political interest, most frequently at variance with the majority of the inhabitants. The corporations have long been unpopular, and objects of suspicion. As at present constituted, they are, in many instances, of no service to the community ; in others, injurious ; in all, insufficient and inadequate to the proper purposes and ends of such institutions. The public distrust in them attaches to their officers and nominees ; and the result is a failure of respect for, and confidence in, the ministers of justice and police."

Proceeding upon this report, Mr. O'Loughlen, attorney-general for Ireland, introduced a bill for the better regulation of Irish municipal corporations. He entered into many details to shew the limited and exclusive nature of the corporations, and the abuses, pecuniary as well as otherwise, to which this had led. He stated that, while a considerable number of corporations had perished since the union, there were still sixty in full vigour and eleven almost extinct. These seventy-one contained a population of 900,000 persons, while the number of corporators was only 13,000. Four of these boroughs contained 8,000 of the 13,000, leaving only 5,000 corporators to regulate the muni-

cipal concerns of sixty-five or sixty-six boroughs, containing a population of more than 500,000 inhabitants. The smallness of the number was not redeemed by its character. These corporators were in general the mere tools and nominees of a predominant power, and their very essence was selfishness and exclusiveness. Since the year 1792, the corporations had been nominally open to Roman catholics, yet not more than 200 had been admitted to their freedom. In Dublin, the corporation proceeded on the avowed principle of excluding, not merely Roman catholics, but likewise the great majority of protestants of influence, wealth, and intelligence. Under such bodies, the interests of the community were necessarily sacrificed to a system of plunder and speculation. The corporation of Dublin had been authorised, by an act of the Irish parliament, to levy on the inhabitants of that city a tax called the pipe-water rate, imposed for the purpose of supplying Dublin with water ; and it had been authorised, by an act framed in 1809, to levy another rate for laying pipes of metal instead of wood. The first thing they did was to vote their own treasurer 1,500*l.* a year out of the pipe-water rate ; and notwithstanding the rates, they had contracted a debt of between 90,000*l.* and 100,000*l.* In 1790 the corporation of Derry obtained an act for building a bridge, and levying certain harbour and tonnage dues to cover the expense. The bridge was built for about 16,000*l.* which they borrowed : and although the dues drawn by them amounted, in 1813, to 32,000*l.*, they had not paid a shilling of the debt. The bridge having been

carried away in 1813, the corporation obtained a new act, and a loan of 16,000*l.* from the consolidated fund. The new bridge was built, and the dues drawn between 1813 and 1831 amounted to 70,000*l.* Of this sum, 17,000*l.* had been laid out in repairs; 53,000*l.* was unaccounted for, and the debt remained undiminished. The real property of the boroughs was equally abused; it existed for the benefit only of the corporators, or of their patron, or of their friends. No stronger instance of this could be imagined than the circumstances detailed in the report of the commissioners regarding certain lands at Cashel. These lands, amounting to 1,500 acres, were held by a tenant under a lease for ninety-nine years from 1732, at a rent of 86*l.* 7*s.* 6*d.*, a fine having been paid. When the termination of the lease was approaching, he offered 10,000*l.* for a renewal. The offer was refused as being too low. Then he offered 15,000*l.*; this, too, was refused. Being thus disappointed, he sold the remaining term of his lease, about two years and a half, to the patron of the borough for 2,500*l.*, and the patron immediately got a renewal for ninety-nine years, without paying any fine at all, the real value of the lands being at least 1,500*l.* per annum. Another source of pecuniary abuse lay here, that while the grand juries had the power of taxing the inhabitants for local purposes, disposing of contracts, and examining accounts, the corporations took care, by their returns, to keep all this in their own hands. In Dublin, by means of the exclusive nature of the corporation, the majority of persons returned in the presenting terms, for many

years past, belonged to the corporation. Of 336 persons who had been returned within a given time, only seven were catholics, and only thirty-five, including these seven, were not members of the corporation. In every presenting term the corporation had consequently a majority on the grand jury. The same thing occurred in Cork, where the freemen were very few compared with the population of 100,000 inhabitants.

Even these pecuniary abuses were of less importance than the mischievous influence exercised by the same system on the administration of justice. The population of Dublin exceeded 250,000; the great majority were Catholics, and a large majority of the Protestants were unconnected with the corporation. But the sheriffs were always chosen from the corporate body; and before a candidate could go to the ballot with any chance of success, he was obliged to make political declarations, and pledge himself to toasts which were at variance with the opinions of the great majority of his fellow citizens. Could anything be more injurious to the administration of justice, or tend more directly to throw suspicion round all the acts of that officer? A still more important matter was the composition of juries. In the selection of the special juries, a pannel of upwards of 700 persons was returned by the sheriffs of Dublin. But they were in the fetters of the corporation; they, therefore, put, first upon the panel, about 150 persons connected with the corporation; and the consequence was, that every special jury case, affecting the property or life of the Roman Catholics of Dublin,

had to be tried by a jury empanelled from the corporation. There were only about 70 Catholics on the panel, and it was always so contrived that the corporation had a majority. In Cork, the same thing occurred; men who had become bankrupts, or who had been discharged as insolvents, were preferred to individuals who represented the wealth and respectability of the city, but who did not belong to the corporation. The corporation of Limerick claimed an exclusive right to fish in the Shannon; certain fishermen, who disputed the right, having proceeded to fish, were fired on by the water-bailiffs of the corporation. They lodged an information with a magistrate, a warrant was granted after some delay, and the parties were held to bail. In the mean time, however, cross indictments were sent up against the fishermen by the watermen of the corporation. The grand jury, composed in the way which had been described, ignored the bill at the instance of the fishermen, and found bills against them for a capital felony in having dared to fish. They were put upon their trial, and with the approbation of the judge, were instantly acquitted.

These evils he proposed to remedy by the present bill in the same manner in which similar evils had already been remedied in England and Scotland, by placing the corporations under effective popular control, and annihilating their partial and exclusive character. In regard to the seven largest towns, Dublin, Cork, Limerick, Kilkenny, Belfast, Galway, and Waterford, it was proposed that every inhabitant, possessing the 10*l.* franchise

under the provisions of the Irish reform act, should be entitled to vote in the election of municipal officers. But this rate, if applied to the other boroughs, would give too small a constituency in proportion to the population. Thus Kinsale contained 1,000 houses, but not 200 of them were valued at 10*l.* a-year. In Drogheda there were 3,371 houses, but the 10*l.* houses did not amount to 500. In Dungannon there were only 163 houses of the requisite value, and 667 below it. In regard to these, and all other boroughs containing a population of less than 20,000, it was to be borne in mind that parliament had already provided, by an act passed in 1828, that all householders inhabiting houses of the yearly value of 5*l.* and upwards, should be empowered, for the purposes of lighting, watching, and paving their several towns, to elect commissioners, who were to manage these local affairs, and raise money to defray the expenses. As this statute had been brought into operation in many towns, and had answered extremely well, it was now proposed that, in all the boroughs, except the seven already mentioned, every occupier of a 5*l.* house or shop should be entitled to vote in the election of municipal officers. With regard to councillors, the qualification in the seven large boroughs was to consist in having property worth 1,000*l.*, and in the other towns, property worth 500*l.* In the seven large boroughs, and likewise in Londonderry, Sligo, Dungannon, and Drogheda, where the population exceeded 15,000, there would be a division into wards. The aldermen, likewise, were to be elected, not by

the councillors, but by the inhabitants, and were to consist of the councillors who had the greatest number of votes at the election. One half of the councillors and aldermen would go out of office every three years. The bill also declared, that a commission of the peace might be granted in any such borough, if the lord-lieutenant thought fit; and in other towns, the mayor for the time being would be the magistrate of the borough. It was intended, likewise, to preserve to the inhabitants of the Irish corporate towns, the right of proceeding summarily by petition in cases of misapplication of public funds, instead of leaving them to the ordinary tedious process of law, and to retain the courts in the nature of courts of conscience, and the right of their suitors to proceed by attachment. In the seven large boroughs, the council was to have the power of electing sheriffs, but these officers were not to be considered as actually in office, till their names had been transmitted to the lord-lieutenant, and approved of by him. It was farther proposed that the government should have the power of obliging the council, if either or both of the persons first chosen were not approved of, to proceed to the election of some other persons, and not, as in the case of Dublin, re-elect the same person. The other provisions were similar to those comprised in the English bill.

The bill was allowed to be read a second time (February 29th) without opposition, because all parties were agreed that the corporations of Ireland were no longer to exist as they had been ;

but sir Robert Peel took occasion to state fully the views taken of this particular mode of alteration by himself and the party to which he belonged. After shewing that the greater number of the corporations, and especially between forty and fifty of them erected by James I., had been created, and created as close boroughs, expressly to secure and promote Protestant interests, he observed that, whatever might be said to the contrary, and whatever principle government might wish to substitute, this bill amounted to an unqualified extinction and destruction of corporate bodies in Ireland. Looking at the objects for which the corporations under James I., had been originally framed, and the close principles according to which, with a view to these objects, the governing body was selected, it was mere affectation in the framers of the present bill to deny that it was meant to annihilate the ancient corporation system of Ireland, or to pretend that they entertained any horror at completely destroying and sweeping away these former institutions. They themselves began with utter destruction, and therefore could not be allowed to exclaim against it when proposed by others: they had found it necessary to pull down these old edifices, and clear away the ground, before beginning to raise their new building. By this bill there would be no more connexion between the old and new corporations, than there existed between the old and new departmental systems of France.

For himself, he avowed that he neither thought it possible to defend the corporation system which

existed in Ireland; nor did he conceive this bill would be a remedy for its evils. He admitted, that the system which presented to the public view but 13,000 corporators amidst such a population as Ireland possessed, was a system radically wrong; and to that objection was to be super-added another—namely, that those corporators were almost entirely professors of one form of religious faith to the exclusion of others. This was an aggravation of the original objection, and was a system which, by mixing up the administration of justice with political feelings, was calculated to create suspicions as to the mode of administering justice, though that administration was in no degree tainted. The exclusion of one party from corporate appointments was inconsistent with the principles of the act of 1829, which established, with respect to civil offices, perfect equality among all classes of his majesty's subjects, and made civil worth and not religious faith a qualification for civil office. Another ground of objection was the misapplication of corporate funds. He should be as unwilling as any gentleman possibly could be, to connect himself or the party with which he had the honour to act, with any vindication of these abuses, assuming the facts stated in the report to be correct; and though he had no opportunity of referring to documents to ascertain whether the allegations in those respects were well founded or not, he had no hesitation in saying, that such abuses ought to be corrected, and the possibility of their recurrence prevented. For these united reasons he could not help coming to

the conclusion, that it would not be wise to attempt to maintain the present municipal system in Ireland.

What system, then, should be proposed in place of it? The plan now proposed, after demolishing the existing corporations, provided, especially, and by name, for the establishment of a new system of municipal government in fifty-four towns in Ireland, to forty-seven of which towns I gave a household suffrage of 5*l*. With regard to population, the bill descended very low, for the town of Middleton, with a population of 2,037 inhabitants, and the town of Belturbet, with a population of 2,067 inhabitants, were each to be provided with a town-council, four aldermen, and twelve councillors. But the bill also gave to the lord-lieutenant of Ireland the power of applying its provisions to any town in that country, without reference to the amount of population. This provision seemed to him one of an extraordinary character; and though it did not appear to vary much in words, yet, like many other provisions in the present bill, it did differ most materially in substance from the English measure. The English bill enacted, that if a certain proportion of the inhabitant householders in any town petitioned the Crown to grant them a corporation, the king should have the power of complying with their wish. But the present bill declared, that if any of the inhabitant householders of any town in Ireland should petition the lord-lieutenant to grant to them a charter of incorporation, it should be lawful for the lord-lieutenant to do so. Thus power was given to two or three inhabit-

ant householders, and not solely to a majority, to call upon the lord-lieutenant to incorporate their town. The inference he drew was, that it was intended to call into most extensive, almost indefinite operation the provisions of the present measure. He was aware, that the two towns, to which he had referred, had corporations at present; but according to the very bill before the house, that circumstance did not constitute a reason why these corporations ought not to be extinguished; for ministers had not adopted the rule, that every town, having a corporation at present, should continue to have one under the new system. The rule laid down was, that where there was an incorporated town with more than 2,000 inhabitants, that town should continue to possess a corporate body. With respect to the granting of charters of incorporation, a discretion was apparently left to the lord-lieutenant; but, in point of fact, his judgment would be fettered by the rule which the house in passing this bill would prescribe,—that if a town had a population of 2,000 inhabitants and upward, it ought to have a corporation. The number of towns in Ireland having a population of more than 2,000 inhabitants was 126, and he therefore had a right to infer, that the *minimum* number of corporations in that country would be also 126; while, if any inhabitants of a village, with a population of 1,000 persons, petitioned for a corporation, the lord-lieutenant would have the power of granting their request. The corporations were further to have the power of making such by-laws as to them should seem meet for the good

rule and government of the borough. Was it not desirable, that there should be found some degree of uniformity in the by-laws of the different towns of Ireland? Yet there was nothing in this bill to prevent 126 towns in Ireland having each a different system of by-laws and regulations, established by the town-councils; and the offences against these by-laws would be tried by corporate justices in each borough. In every corporate town there was to be a mayor, who was to be a justice of the peace, and to have a place among the county magistrates. Now, in looking into the report on the Irish corporations, he found that one of the complaints urged against the existing system was, that the corporate justices were independent of all control on the part of the crown; and it was rather a singular circumstance, that the justices to be created under this bill would also be appointed independently of the control of the crown. The sanction of the lord-lieutenant would not be required for the appointment of corporate justices, who would owe their distinction exclusively to popular election. It was said, that the lord-lieutenant would be empowered to grant to any borough a separate commission of the peace. Such a power was given to the crown in England; yet it would not be enjoyed by the lord-lieutenant of Ireland, for a separate commission of the peace could only be granted upon the application of the town-councils. He thought this a most improper check on the discretion of the lord-lieutenant; for that officer must be a better judge than the town-councils, whether a separate commission of the peace

was wanted in any of the towns in Ireland for the due and proper administration of justice. In those towns for which a separate commission of the peace should be granted, the town-clerks, elected by the town-councils, would be the clerks of the peace; and they, along with the sheriffs, also elected by the town-councils, would hereafter be the parties to summon juries within the corporate jurisdictions. Such a system, he conceived, was not likely to conduce to the due and impartial administration of justice, and was opposed to the principles laid down by ministers themselves, with regard to domestic and municipal government. There was one course of argument, indeed, which made short work with the whole matter,—namely, certain things have already been done in England and Scotland; therefore they must be done in Ireland. But, surely, if it could be shewn, that a particular system, which had been adopted in England, would, if adopted in Ireland, not secure the impartial administration of justice, acquire confidence for its functionaries, or produce public satisfaction, it would be absurd to say, that inquiry was superfluous, and that the house had merely to apply to Ireland the principles which had been acted on in England. There might be inconveniences in having the practice of the two countries different; but if it were proved, that a system, which was good for England, would practically work in Ireland to defeat the ends of justice, then he cared nothing for the argument about the necessity of assimilating the laws of the different parts of the kingdom,

but would maintain, that they, as legislators, had no right to inflict a positive curse on a nation for the sole reason that the new system they established was in conformity with a system to be found in some other country. Now the bill before the house assumed, that because many imperfections are to be found in the administration of justice in those towns in Ireland, in which exclusive and self-elected corporations existed, all that was needed for the removal of these evils was the introduction of a system of popular election. A system of popular election might be found in many respects a check upon abuse; but it was a gross fallacy to say, with regard to functionaries intrusted with the administration of justice, that their selection by the popular voice would conduce to its satisfactory and impartial dispensation. The report of the commissioners set forth most expressly, that among the greatest evils of the present system was the composition of grand juries, as controlled by the corporate body, and the general exercise of their functions, in reference to the administration of justice, both civil and criminal. How would these evils be remedied by making the corporate sheriffs objects of popular election? In towns having their corporations and corporate justices independent of the control of the crown, in which, unfortunately, a state of discord already prevailed, arising out of religious differences and animosities, fresh causes of division and discontent would be furnished by the continual agitation consequent on the frequent elections which the present bill would render necessary. First of all, there would be the annual registration

of persons qualified to vote—then the election of town-councillors—and after that, the election of the mayors, town-clerks, and other officers. Under the proposed system, almost the whole of the year would be spent in proceedings preparatory to, or connected with popular elections. In such a state of things, would it be contended by any man, that the different parties in the towns would not be strongly opposed to each other—that a system of canvassing would not be actively proceeding, and that the town-councillors, town-clerks, and the sheriffs, would not be elected with reference to their political opinions? In towns to which the present bill would have supplied new elements of discord, would the administration of justice be more satisfactory from the simple reason, that the parties charged with its dispensation were subject to popular control? One existing evil complained of, was the intimate connexion between the corporations and the grand juries, which, it was said, would not be found under the new system; but how could it be shown, that a continual state of agitation and political contests was likely to diminish the intimacy of the connexion between the corporations and the grand juries? It was a complaint at present, that the sheriff marked his respect for the members of the corporation by selecting them in the first instance for grand jurors; but why should the new sheriff, elected under the new system, show the corporation less courtesy? So completely was the administration of justice said to be now rendered subordinate to party considerations, that the

entertaining the most violent political opinions formed no objection to a man being a grand juror. Would that circumstance, then, be a disqualification under the new system? Would the grand jurors returned by the sheriff, who might be a great political partisan, and might select only men whose political opinions were in conformity with his own, be subject to be challenged or be deemed disqualified, if they happened to be violent politicians? In what one respect would a system of popular election, accompanied by the excitement of party feelings, afford a security against the perversion of justice? What possible objection could there be to giving the appointment of these sheriffs to the lord-lieutenant, in whom such a power was vested in respect to the administration of justice generally, and the exercise of which was fettered by no recommendation? The lord-lieutenant had, indeed, conceived it to be his duty to reject the recommendation of the judges. Why did not the government then propose to act in the present bill upon their own principles? If they found Ireland so divided by religious differences, and by party-feeling, that they considered it to be their duty to refuse their sanction to the recommendations of the judges, what could induce them to think that recommendations proceeding from town councillors, elected, perhaps, after a severe and turbulent contest, might be more depended on for integrity? In truth, the proceedings of ministers were not only at variance with sound policy, but were in contravention of their own acts. They were at present carrying through a bill, which bore on its face that

the municipal authorities ought not to be trusted with the management of the police force. That bill declared, that as the appointment of the constables and the policemen by various authorities tended to destroy the efficiency of the force, it was desirable that the management of it should be taken out of the hands of the magistrates, and vested absolutely in the lord-lieutenant; and the bill provided that the lord-lieutenant should have the appointment of the police in every county, county of a city, and town in Ireland. If the principles of that bill were good, why should ministers by the present measure, establish in 126 towns in Ireland, or give the power to establish therein, a separate police, paid by different bodies appointed by different persons, and acting under different regulations?—for it appeared that, according to the present bill, there must be in every incorporated town in Ireland, a watch committee, having the powers of appointing a watch?

As to corporate property, the bill, in the first place, authorised the town council to apportion, out of the borough funds, salaries to the mayor, town-clerk, treasurer, and such other officers as the council might think necessary to carry the act into execution. Here was a very copious patronage provided for the town-council. The property of the Irish corporations did not happen to be very extensive at present. The total amount of the corporate property in Ireland was in point of annual income 61,397*l.*; the present expenditure was 57,279*l.*; and the amount of debt was 133,000*l.* But, leaving the corporation of Dublin out of the calculation, he

found that the total amount of the property of all the other Irish corporations was 33,000*l.* per annum, the annual expenditure 27,000*l.*, and the amount of debt 100,000*l.* The corporate property was derived from two sources—estates in land and tolls. The bill vested the whole amount of tolls in the new corporations, depriving them of the power of reducing those which had been mortgaged for the payment of debts. For the sake of the improvement of property, the facilitation of intercourse, and the liberation of commerce and industry from the fetters of these imposts he would wish, if it were possible, to extinguish altogether the right of corporations to levy tolls; and he believed, that, by so doing, they would confer a great benefit on Ireland, and promote the interests of tranquillity and subordination. In many cases he could not conceive that any enactment would give such universal satisfaction to the population as the interference of parliament to remit these tolls, wherever they could get free of the question of compensation. Instead of levying the toll, and applying it to municipal purposes, the true way to improve the town and to attract commercial dealings to it would be to remit it altogether; and where there would be individual rights to toll, in a town possessed of corporate property, it would be an excellent application of that property, wherever a surplus existed, to apply it to the purchase of those individual rights.

Although, therefore, he did not propose to vindicate the maintenance of the present corporations, he would not consent to the substitution of other corporate bodies;

for he did not believe that their re-establishment on the principles of this bill, or on any principles at all analogous to them, would be beneficial to Ireland. In the present state of that country, he saw no necessity for the continuance of corporate bodies. He thought their interference with the administration of justice positively prejudicial, and their interference with the police calculated to injure the efficiency of that force. He thought corporate property ought to be applied to local purposes; but he was not prepared to entrust its management to a town-council, with a number of servants and subordinate officers. With respect to municipal purposes not connected with the police or the administration of justice, he would leave the act 9th George IV. in operation, providing commissioners subject to popular control, and owing their election also to the popular voice. Instead of having the sheriff in counties of cities and towns appointed by the council, he would enable the crown to appoint that magistrate. He would abolish all the inferior tribunals of seneschal and baronial courts, and extend the jurisdiction of the assistant barristers. He would propose that a recorder should be appointed by the crown, who should exercise the powers at present lodged in the assistant barristers, because, in Dublin, Cork, and other towns, the weight of criminal business would be too heavy to be discharged by them; and if they could give to the inhabitants of large towns, by means of the tribunal of the assistant barristers, an easy and expeditious process for the recovery of small debts, he believed it would be a reform

which would give great and general satisfaction to the people, and would conduce to the better administration of justice. It was asked—what will you do with the political and proprietary rights of freemen? He believed that whatever was done, these rights would stand pretty much upon the same footing. They respected them now, because they knew them to be political, proprietary, and hereditary rights. Why not respect them even after the extinction of the old corporations? The House would respect their political rights, because they were guaranteed to them by the reform bill; it would respect their proprietary rights, because they were founded in justice.

“In short,” continued sir Robert, “the chief object of our consideration ought to be, not to assimilate the system proposed to be followed in Ireland to that which we have adopted in England, but to ascertain by what system equal privileges and equal laws may best be secured to all. If, by self-election, you contrive to exclude, practically, one class, that system is defective; but I equally contend, that if by a principle of popular election you give the predominance to one political party over another, and involve them in a series of contests, and leave the administration of justice in the hands of the dominant party, then, I care not what your theory may be, or your law nominally may be, but I contend that that principle is calculated to work injustice, and that popular control is subject to that objection equally with self-election. Do you believe that it will cause the cessation of religious animosity in Ireland, or conduce to the administration of equal

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law—to introduce a system of annual election in 126 of the Irish towns, and to place in the hands of the dominant party the appointment of the officers by whom grand juries are to be chosen. I care not by whom that influence is exerted; it is a matter of indifference whether it be by landlord or priest. We have a right to proclaim the injustice that will flow from the selection of political and party men as the instruments by which justice is to be administered. Would any man be believed, who should rise in the House and say, that, in determining the elections, politics will not interfere? The member for Dublin, on the first day of this session, when speaking of the municipal councils of England said, “I believe, the sore is festering in your hearts; you regret the victory that the reformers have gained in the municipal councils; you know that they will henceforth be normal schools for teaching the science of agita-

tion.” If this be true with reference to England, is it false with regard to Ireland? If you have reason to believe that, in the present heated state of party feelings, these annual elections will engender animosities, and that these societies, instead of being the quiet governments of municipal communities for local purposes, will become the receptacles of bitterness and disaffection—then, we ask you, as you value religious peace, and equal law—and the security and integrity of this great empire, not to lend the sanction of your legislative and moral authority, to the constitution in Ireland of normal schools in which the science of agitation is to be taught—but, above all, we demand of you respectfully, but firmly, that you will not make the graduates in those schools, and the professors of that science, the chosen instruments for leading the civil force, and for dispensing public justice.”

## CHAP. II.

*Irish Corporations continued—Motion to instruct the Committee not to re-construct the Corporations—Lord F. Egerton—Mr. Lefroy—Lord Morpeth—Mr. O'Connell—Lord Stanley—Motion rejected and Bill passed—Bill read a second time in the House of Lords—The Committee instructed to amend the Bill by leaving out the clauses creating new Corporations—Debates in the Lords—The Amended Bill passes—The Commons reject the Amendments—The Lords adhere to their Amendments, and the Bill is lost.*

**W**HEN ministers proposed to destroy the existing corporations of Ireland, and to establish in their place a new set of corporations, which necessarily would be exclusively Catholic, they could not be ignorant that, in the House of Commons, they would have to contend with a large minority, and in the House of Lords with a large majority, which, unless acted on by some universal exterior excitement, would never consent that such a bill should pass. From the moment, accordingly, that sir R. Peel announced the course which the conservative leaders were determined to pursue, Mr. O'Connell and his adherents of the Popish faction, attempted to raise a popular clamour against what they called injustice to Ireland—that is, a clamour for a bill which, while it pretended to re-construct corporations, deprived them of every power which makes a corporation useful, and left them to be merely authorised engines of the Popish

priesthood. But although the calls were loud, no spirits came. The people of Britain could not be roused to aid a system of exclusive popery; and parliament was left to exercise its undisturbed reason on a great political question.

The views of the conservatives, as explained by sir R. Peel, did not allow them to oppose the second reading of the bill, for they, too, agreed that the existing system of Irish corporations ought to endure no longer. But, after the bill had been read a second time, when the motion was made that the House should go into committee, lord Francis Egerton moved, that the committee should be empowered to make provision for the abolition of corporations in Ireland, and for such arrangements as might be necessary on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland. His lordship contended that, in thus substituting

ting abolition for the process of restoration proposed by ministers, he was not withholding from Ireland any of the benefits intended to be conferred on the other parts of the kingdom by their new municipal institutions; and he argued generally that there was much in the situation of that country, and in the state of its society, which distinguished it from England and other nations, and which might render it, in special cases, an unfit recipient for institutions, which were not in themselves essential to good government, and were only valuable as being machinery for that purpose. When he saw numbers arrayed against property, a minority powerful in wealth and intelligence, opposed to a majority unpossessed of these materials, and the national guardians of the temporal and spiritual interests of its lower orders in conflict, he felt there was a sad distinction between England and Ireland, bearing directly on the mode by which they should regulate the administration of the law, and the protection of the property, and peace of those who were to live under it. Into that country it was not desirable to introduce a system, by which he, who had to administer the law to all, might be indebted for his tenure of that high function to a few. If, unfortunately, the state of feeling was such that party must be represented by him who made the law, and, that the mere profession of opinion, apart from the proof of any one qualification upon earth, became a passport to parliamentary representation, then that which was always desirable, became doubly necessary,—that he who administered the law, should be under no obligation to electors for his appointment,—that his in-

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stallation should not become an election chairing,—that he should not be borne into the hall where municipal justice held her seat, on the shoulders of a mob, any more than he should sneak into it through the private avenue of a faction. In the case of the reform bill, some may have thought that there were reasons which forbade its extension to Ireland; but none could have failed to perceive that to deny that extension, must there have been felt, even if necessary, as an insult and an injury, and that hardly any reason could have been alleged against it, which would not have gone all the lengths of despotism. You had no choice in that case between the perpetuation of all the abuses so called, which you had agreed to sweep away by schedule A in England, and a measure of re-construction; for you could not, you never did, propose to leave Ireland without a representation. Does that necessity exist here? Is corporate jurisdiction any part of the essence of our constitution? Does our elective magistracy rank with trial by jury, or the free and fair representation of the people in parliament? If it be essential in theory or in practice, how have Manchester and Birmingham pursued, with their crowded populations, the arts of industry? Why should election be confined to those communities where its consequences more immediately rouse the elements of local strifes? Why should it not extend to the rural districts? Even some of those institutions, which Ireland valued most highly, were illustrations of the impossibility of applying identical principles to the two countries. There was nothing in England like the summary juris-

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diction of the assistant barristers in Ireland; yet in the latter country there was not a dissentient voice as to the merit and importance of this species of tribunal, and any attempt to mould it into conformity with English practice, compelling the assistant barrister to empanel a jury in every case, would create universal dissatisfaction among the people, who preferred, for the decision of their civil disputes, the judgment of a lawyer appointed by the crown to the verdict of their neighbours. The question, therefore, was not, shall Ireland have the same institutions with England and Scotland? but, will such an identity secure to her the objects which these institutions attained, or were intended to attain, in the other parts of the kingdom? The natural objects of corporate government were:—The administration of justice—the control and direction of that police force, whatever it might be, to which the protection of person and property was confided—the administration of corporate property, and the regulation of those other, not unimportant matters which concerned the health, the comfort, and the convenience of the community—the lighting, the paving, the draining, &c. For the due regulation of these, the extinction of corporate authority would not create the smallest difficulty; and in regard to some of them, that extinction would afford facilities of improvement and direct assistance. He proposed that those towns and cities, now counties, should remain counties of towns and cities; that they should, as now, have their sheriff, but that that sheriff should be appointed by the crown, as the county sheriff was at present. By that officer, so

deriving his functions, the grand and petty juries would continue to be summoned. The other cities and towns would be subject to the jurisdiction of magistrates appointed by the crown, being placed under the county sheriff and the ordinary judicial authorities. As to corporate property, for the present, it would be expedient to vest it in a commission, to be appointed by the crown, this would be a temporary arrangement, until a plan was adopted for appropriating, under the sanction of parliament, the corporate funds of each town to its municipal purposes.

The motion was seconded by Mr. Lefroy, who declared himself unable to comprehend on what principle of selection this Bill proceeded. The report of the commissioners showed that they had united 117 boroughs. In the bill which had been introduced last year, but which was not proceeded with, sixty-seven had been selected from that number, although it had never yet been stated why the remaining fifty had been left to wallow in the abominations and abuses which were said to exist. Now, however, even the number of sixty-seven had been reduced, without any explanation of the reasons for this change: and what was the principle followed in the selection even of these? It had been stated that the seven largest boroughs had been put into schedule A, because they contained a population exceeding 20,000, and that other four had been placed in schedule B, because their population was between 15,000, and 20,000. Now, if population was the rule, it followed that schedule C ought to contain the next principal places after these eleven. But it was not so. Of the forty-three towns named in schedule C, there

were eighteen, the average population of which was not one-half of that of eighteen other towns, which were wholly omitted. Of these eighteen so omitted thirteen had been comprehended in the measure of last session; and of those thirteen were, Newry, containing a population of 13,000 persons, and Dungarvan, which had a population of above 10,000 persons. In this schedule there were eighteen places, the average population of which was not 3,200, and Dungarvan, with 10,000, was omitted. The average population of all the boroughs, forty-three in number, specified in schedule C, was not more than 5,667 persons, and he found that there were in Ireland eighteen places (thirteen of which had corporations), which, though omitted from this Bill, had average populations of not less than 6,488. On what principle were these eighteen boroughs omitted? Why was it that places having populations as low as 2,026 were included, while there were excluded from schedule C no less than eighteen places, of which the lowest population was 4,000, and the highest 13,000 and some odd hundreds. It was absurd to incorporate places containing so low a population as some of these boroughs; the absurdity was increased by the consideration that from this population must be deducted the women and children; and it was still greater in reference to the amount of corporate property said by the commissioners to be possessed by these places. The average property of the forty-three boroughs in schedule C amounted only to 120*l.* a year. Seventeen of them had no property whatever; three of them had respectively corporate

property to the amount of 9*l.*, 10*l.*, and 15*l.*, per annum; and the remaining thirty-eight towns had an average property of 53*l.* 10*s.* per annum. Yet the very least of these places, with the lowest amount of property, was, by this measure, to be encumbered with a large corporate establishment, precisely analogous to those existing in the larger towns of Ireland, with a paid mayor, a paid town-clerk, a paid treasurer, paid constables, paid watch; and besides, it was to provide compensation to the present corporate officers, and to defray the expenses of all the various elections which were to take place under this bill. How much more rational would it have been to have left to these towns the little corporate property they possessed for the purposes of paving, cleansing and lighting them. For that purpose their property might be equal; but to think of applying it to the maintenance of a corporate establishment was an absurdity. And for what? Merely to reproduce, in another form, all the existing evils; for, except the vice of self-election, the new boroughs would be liable to all the objections which were stated against the old system. He admitted that corporations of an exclusive character ought no longer to be continued, and, therefore, he was opposed to the present measure. If the Irish corporations had ceased to answer the ends for which they were originally created, was that any reason why their powers should be employed for the very opposite purpose, and to raise up a new system of exclusion of a much more extensive character? The great majority of the electors would be the 5*l.*

householders; this majority unquestionably would be of one religion—a religion opposed to the present exclusive possessors of corporate power. Could it be doubted, then, that these 51. householders, with all the soreness and bitterness of feeling which had been created by the exclusive system, would turn round upon those whom they considered their bitterest enemies, and act towards them upon a system equally exclusive in its nature, character, and effects? If the Roman Catholics were not now satisfied with the administration of justice by the Protestant possessors of corporate power, would the Protestant be satisfied with its administration by an equally exclusive sect? There would be in every one of the fifty-four places mentioned in the schedule of this bill a legalised popular assembly; at the meeting of which there would be no limit to the subjects discussed: in short, Ireland would be studded with fifty-four places of rendezvous for all species of agitation, where edicts would be framed and sent forth to the world, whenever it might be thought fit to excite agitation on any subject or against any right of property whatsoever. The dominion and influence thus gained by such popular assemblies, would render it impossible but that the surrounding population should be brought under the action of these corporate bodies. The peace of Ireland would thereby be endangered; and danger would also arise to the whole empire, for the representation of Ireland would be fixed and rivetted in such a state and condition, that it would be utterly impossible for any administration to carry on the govern-

ment in this House without being the tools and slaves of the majority of the Irish members.

In the debate which followed (and which was continued by adjournment on the 8th of March), the government bill was supported by lord Morpeth, lord Howick, lord John Russell, Mr. O'Connell, and other members; while it was vigorously attacked by Mr. Sergeant Jackson, sir Henry Hardinge, sir James Graham, Lord Stanley, and sir Robert Peel. Lord Morpeth, the Irish secretary, admitted that the mode of appointing sheriffs in counties of cities would be a fair subject for consideration in the committee, and he would then be able to show that the control given to the crown by the bill was sufficiently direct. The only police again, with which the town-councils would have to do, was that body of local constables which was to be found in every town in England; but they would not have the least concern with the armed constabulary force. The number of cities and towns, to which separate commissions of the peace were assigned by this bill, and for which the justices were to be appointed by the town-councils, was only eleven; the counties of cities or towns, in which the sheriffs elected by the corporation were to summon juries, amounted to no more than eight in number; and the towns and cities, in which juries would be summoned by the town-clerks, were only three. The reason why the bill did not include all the 117 places which the commissioners had visited, simply was, that only in sixty or sixty-one of these places had they found corporate institutions still maintained; and it was not in-

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tended to incorporate any town, which did not actually possess a corporation. It might be true that Ireland contained 120 towns with as large a population as Middleton and Belturbet, which the bill comprehended; but no man could seriously believe that the effect of the bill would be to incorporate all these towns. The two places in question had been comprehended, notwithstanding their small population, because they had corporations at present, and possessed corporate property. Nor was any danger to be apprehended from the power of taxation which the bill conferred. It was to be taxation only for lighting, watching, and cleansing. The tax would be payable by all 5*l*. householders; and there was no reason to dread that these persons would unnecessarily lay an impost upon themselves, merely that they might have the pleasure of likewise laying it on their more wealthy neighbours. On the other hand, the adoption of the motion now before the House would be an avowed and formal declaration of unfitness on the part of the people of Ireland to exercise franchises, privileges, and duties, at present exercised by their more favoured fellow-subjects in Great Britain. It would be dooming Ireland to a necessary inequality in the enjoyment of civil rights, and to the consequent infliction of that which she would not fail to feel as an injury, and which she might be incited to resent as an insult. Undoubtedly, abuses had prevailed under the old, self-elected, close, corrupt, corporations; but before having recourse to the violent remedy of annihilation, it was but fair to the bulk of the persons interested in

the good government of the respective corporate towns in Ireland, to make an experiment, whether they could not provide for the management of the affairs of the municipal communities with safety to the nation at large, and with profit to the inhabitants. If they failed after a fair trial, and were found to have exercised the trust reposed in them incompetently, partially, and corruptly, then, and not till then, would be the time to deprive them of the power which they would have abused, and of the privileges which they would have forfeited.

Mr. Emerson Tennent, one of the members for Belfast, was opposed to the re-establishment of corporations, and pointed out in how much worse a situation Belfast would be under the proposed bill than it was at present. The inquiry, to which the House should apply itself, was this—whether it would not be wiser to deliver the Irish towns from the antiquated system of corporations altogether, and to leave them for their municipal government, to the adoption of such measures as their local necessities might recommend? He would never consent to any provision which gave to a popular body the election of a partisan mayor, a partisan sheriff, or partisan magistrates, for each and all of which there was a warrant in the present bill. Nothing in it was half so objectionable as the carelessness with which it treated the administration of justice. The dignity of a magistrate was actually less anxiously provided for than that of the lowest citizen on the burgess roll. To entitle an inhabitant to that distinction, he must be at least a 5*l*. householder within the

borough. Such a sum was ridiculous as a test of respectability, even for a burgess; but that qualification, however paltry, was dispensed with in the case of a magistrate; he was not even required to be resident in the town; so that a mendicant, without a home or a shilling, was eligible to take his seat upon the bench as a guardian of the public peace. The professed object of the measure, too, was to place corporations on a more ample basis, and extend popular influence and control in the management of their affairs. Under the bill Belfast was to be provided with thirty common council-men, who were to be charged with the management of its police, paving, lighting, watching, charitable trusts, and, in short, all its internal and local interests. At present these interests were watched over by a variety of boards, elected under local acts of parliament, and comprising between 140 and 150 persons. The functions of all these persons were to be forthwith superseded for the purpose of consolidating them in the thirty common council-men; and yet the people of Belfast were told to consider this as widening the basis of political privileges and popular control. If, at the present moment, these various duties were sufficient to occupy the time and attention of 150 individuals, how could they be efficiently performed by one-fifth of that number?

Mr. O'Connell insisted that Ireland must have justice; and justice would be denied to her, if she was not treated as England and Scotland had been treated. The question before the House was that of entire and substantial reform in the corporations of

Ireland, instead of agreeing to which, it was proposed to destroy them for ever. He asked a substitution of something else, identical with the municipal institutions of England, not in detail, but in principle. Scotland had once been in the same situation; her corporations were self-elected and corrupt, and no man defended them; but did any man rise to propose the entire and eternal abolition of them? The old system of Scotch corporations was swept away, and a new system introduced, leaving the principle of government to vigilant popular control. Next came England; and were not her corporations corrupt, profligate, and bigoted, first by law, and then practically? But the old elements and officers of these corrupt institutions were dismissed and dispersed; the corporations were created anew, and brought into communion and connexion with the people. England had got corporation reform; Scotland had got it; and where was the repealer that would say, Ireland was not to have it? He would enter into no compromise he would have the principle of popular control preserved; he would not object to the details being discussed in committee; but if he went into committee, he would demand the identification of the principle of popular vigilant control with all the details, and he knew that the people of England would insist upon its being given. A royal commission had been proposed for the management of the corporate funds; because, he supposed, the people of Ireland were not possessed of common sense enough to manage their own affairs, and therefore a commission of lunacy must be

issued. What reason or pretence could there be for still continuing to treat Ireland with injustice? Was there any real union between the two countries? Why, there was the parchment, it was true; but he would put it to any Englishman, whether, if Ireland were in the possession of corporate rights, any man from that country should dare to say that England should not have corporate rights, they would think much of the union? Would they not, with their own good swords, break the head of the man who dared to tell them so? Since the Reformation, the Catholics had achieved power three times; and, though it could be easily shown that many Protestants had become martyrs to the dominant power in other countries, he denied that the people of Ireland had ever injured any man, on account of his religion, in life or limb. He had been called a professor of agitation, and so he was; but would they make him less so by refusing justice to Ireland? Agitation was sometimes wholesome. If waters were not agitated, they became stagnant, and peaceable political agitation was essential to freedom. The people were naturally sluggish, if they were tolerably protected, they were apt to become torpid; and peaceable political agitation was a privilege which wise men paid for liberty. Agitation was necessary for Ireland, and though attempts might be made to do away with peaceable agitation, there was no chance of success. The people of Ireland, he admitted, were anxious for a repeal of the union; they naturally felt a pride in their independent legislature; and there was a period when he

was of the same opinion, but he came now authorised from three provinces of Ireland to join this House heart and hand, if they would join him in pacifying Ireland. There was only one way in which they would, could, or ought, to pacify Ireland — by promoting a real union through an amelioration of her institutions, by treating her fairly, by giving her equal privileges, and equal rights. “Deny us that,” said the learned member, “and let me tell you that your union is at an end.”

Lord Stanley felt some hesitation in receiving Mr. O’Connell as the plenipotentiary of the people of Ireland to treat with the British parliament. Where had that authority been given? Was it at a dinner at Tuam? was it at a supper in the King’s County? or was it at a meeting in a room at Dublin? And were the House of Commons to be told that on either of these occasions the people of Ireland had authorised their plenipotentiary to treat with the Commons of England? He doubted not that the learned member was a representative of the democracy of Ireland, but before he could listen to the terms proposed regarding the manner in which Ireland was to be treated, he should like to know exactly what those terms were, and what security could be given for their fulfilment. “We must have justice,” said the member for Dublin; “we will have no compromise; we must have entire, impartial, and equal justice.” Now, who could tell what was here meant by equal justice? Were they on every occasion to take the word of Mr. O’Connell? Were they to take his definitions, given on the spur of the moment,

of the exact meaning of the term "equal justice," or of the political principles which he meant to include in that term? Measures of municipal reform in England and Scotland had been introduced; was the criterion of equality to be deduced from them? Was Ireland to be considered as degraded, unless it was placed under the same municipal law as England, or did equal justice mean being placed under the same law? When it was said that Ireland would not be satisfied, unless equal justice were done to her, he must first know what this meant. For his own part, he would not be satisfied that Ireland had equal justice, till he saw every man, in whatever situation, or profession, or station of life, whether humble or high, brought under the control and dominion, and also under the protection, of one and the same law, till he saw life secure, right vindicated, violence restrained, and the law carried into effect for the protection of the people at large. This was his demand for equal justice for Ireland, and seeking this, he was bound to look at the state of Ireland at the present moment. If the house were not to look at this, if they were to take into consideration no circumstances, to look at no political experience or observation, but boldly legislate at once for Ireland, because they had already legislated for England and Scotland, why should time be spent in idle debates?

The supporters of the bill said, they did not seek the same law, but one and the same principle: yet one and the same principle could be acted on only in case of an exact identity of interests and circumstances. What principle

was meant? He concluded that it was some principle of popular control; but, assuming this, he was not a whit nearer the object than before. What species of popular control? Was it the power of making laws, or the power of appointing those who were to make the law? Was it the power of executing the law, or was it merely the control of publicity? The control may be exercised by a constituency of householders, of 50*l.* or 20*l.*, or 10*l.*, or 5*l.*, or by any individual; and yet all this is said to be a matter of simple detail, having nothing to do with the principle of the measure. The English bill required a residence of three years, in order to insure solvency and independence; for Ireland, a residence of six months was to be sufficient, and a 5*l.* qualification, and yet there was an identity of principle. But it had been said, that there were towns in Ireland, a majority of the towns, in which there might not be found a 10*l.* constituency for the purposes of a corporation. If so, would it not show a *prima facie* case, where there could not be found a constituency with a 10*l.* qualification, that there was no claim for and no need of a corporation at all? If it were asked, were the cities of Dublin, Cork, Belfast, and Waterford, to be left without any kind of municipal government; he would ask in return, whether the city of Westminster, and the towns of Manchester, Birmingham, and Sheffield, were not places which might compare with most of the great towns of Ireland? and they had not only gone on without any corporations,—had not only not considered it an insult not to be provided with corporations, but he

had not heard that those places, or any of the metropolitan boroughs, had petitioned for the blessings of a corporate body. There were, however, places in Ireland where a species of municipal government was exercised, and subject, in various degrees, to popular control, without the intervention of corporations at all. The act of 9 George 4th conferred and regulated the power of managing the paving and lighting of certain towns: and it had been applied to seven or eight towns. In seven or eight other towns the question had been put to the 5*l*. householders, whether they would undertake the control of the expenditure, and they had refused the burden. The cities of Cork, Londonderry, Belfast, Sligo, and other towns, had local acts of their own, with which this Bill would not interfere. There were also various boards which exercised a control in different towns. The harbours of some of these towns were not under the control of any corporation, but were under the superintendence of a body connected with the trade and shipping of those places. These boards were not directly interfered with even by this bill. With respect to property, the whole amount, which fell under the control of all the boroughs in Ireland, was 61,397*l*., of which 28,000*l*. belonged to Dublin; and of that sum the greater part was not matter in dispute now, being otherwise controlled. There remained 33,000*l*. for the rest; and of this sum five towns only had 21,800*l*., leaving to the other forty-four towns the management of corporate property to the amount of only 11,000*l*. He had no fear of trusting the Irish people with these corporate revenues for local purposes, pro-

vided he could be assured that they would be applied to such purposes; but he was bound to look at the relative situations of the Protestants and Catholics, and to see that they applied the funds to municipal objects alone. There was a provision in every town for municipal purposes, and therefore he thought that the system of ministers was altogether unnecessary. He thought it would lead to mischief, and was in every respect a plan eminently calculated to provoke religious disputes and animosities. He could not help seeing the atrocities perpetrated in Ireland, as they were daily reported in the papers. He could not help seeing that the Catholic clergy were united for Catholic purposes, and that it was under their influence that the misguided population were, unfortunately for themselves and their country, everywhere acting. The moment ministers established these new corporate bodies, that very moment they made them objects of political excitement, and in every little town in Ireland there would be the bitterest religious hostility; for the Protestant would be arrayed against the Catholic. He could not blind himself to facts like these; and here he begged to be understood as referring especially to the danger which beset the national establishment. It was not that he placed no trust or confidence in the Catholic population, but it was because he saw the dreadful state of society in Ireland, and the aims and objects of the priesthood, that he felt himself compelled to withhold his support from the measure of government, and to decide in favour of the system contemplated

by those who sat on his side of the house, and which, on comparison, appeared to him far less cumbrous in its machinery, and full of more real benefits. The member for Dublin had told his majesty's ministers that he did not desire influence, and that this bill would diminish his power; and they had the good nature to believe him. That learned gentleman's equal justice meant, in point of fact, the predominance and establishment of the Catholic church in Ireland: he had objects in view of which the government knew little. They brought forward a bill to place Irish corporations under the unnecessary control of the Catholics, and hoped by means of such a bill to diminish the learned member's power. They deprived the corporate towns of all their present officers of every description, and placed political power in the hands of another class of persons altogether. The learned gentleman's objects were gained by these very means; and although the government did not see it, yet he could tell them that the learned gentleman went generally straight towards those objects, although he seemed at the same time to be, doing otherwise.

Lord John Russell found himself placed in a singular position. In former times, he said, he had to contend that it was incumbent on the government to reform and not to destroy our institutions—that there was sufficient worth and excellence in them to make it desirable to bring them back to their ancient intents; but he now found himself, whilst advocating these doctrines, opposed by those who styled themselves the conservatives of this country. It was they who maintained that it

was rash to preserve these institutions, and that no sentence of extinction was too severe to be uttered against them. They who maintained opinions so different from what they had formerly held, had no right to call upon ministers for extraordinary exertions to prove that their case was that which ought to be adopted by the house. It was for them to show that there was something so peculiar in the corporations of Ireland, that ministers ought to abandon the common principles of both parties. He had as yet heard nothing which any rational mind could receive as a reason for preferring the utter abolition of the corporations to their proper reform. The only thing that bore the semblance of a reason was, that the Roman Catholics formed the great majority of the people of Ireland. If that were to be received as a reason, for what purpose had the measure of Roman Catholic emancipation been passed? He hesitated not to say, that that great change had not yet been carried through our institutions, as its authors, or at least its earlier advocates, originally designed; and to him it appeared that there was nothing of wisdom or of policy, still less of justice or of generosity, in delaying to let its spirit enter into all our councils, and form an element in every proceeding of the legislature. He fully recollected that when emancipation was under consideration in the House of Lords, the duke of Wellington was asked, would he agree to Roman Catholics becoming prime ministers and colonial secretaries, and holding such high posts as presidents of his majesty's council. In answer to that question the duke of Wellington, then

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at the head of the government, replied, that he would make no such distinction; that he would leave those high offices open to persons professing the Roman Catholic religion; and after that declaration from such a quarter, sanctioned by the decision of parliament, were they to be told that Roman Catholics were unworthy to hold such offices as mayors, aldermen, and members of town-councils? Was the House prepared to let it go forth to the people of Ireland, that in some respects an English legislature had deemed it right to grant them equal privileges, but that in others those privileges were to be denied; that the Scotch and English municipalities were to be on terms of perfect equality; but that those of Cork, Limerick, Kilkenny, and even Londonderry could not be trusted, because it was apprehended, that they would prove nothing but schools of treason and rebellion? If such were the answer that the people of Ireland were to receive, had they not some reason to say that they ought not to repose confidence in a British legislature?

The House having divided, the motion of lord Francis Egerton was lost by a majority of sixty-four; 307 having voted against it, and 243 in its favour.

In the committee none of the provisions of the bill, with one exception, underwent any important alteration. Mr. O'Connell moved that the qualification for an alderman or councillor of Dublin should be reduced from 1,000*l.* to 500*l.*, but did not press his proposal to a division. Ministers, however, had felt strongly the objections urged against allowing sheriffs in the large boroughs to

be chosen by the town-councils. They therefore yielded this point, and retained the nomination of these officers in the power of the crown. After another debate, in which all the topics already discussed were repeated and amplified, the bill was passed, on the 28th of March, by a majority of sixty-one, viz. 260 to 199.

It had never been doubtful that the course recommended by the minority in the House of Commons would be adopted by the House of Lords. When the second reading was moved in the peers, (April 18) lord Lyndhurst expressed his willingness to go into committee, but not with the intention of preserving the bill such as it was. Nobody, he said, neither the Protestants of Ireland nor the corporators themselves, attempted to disguise the evils existing in the Irish corporations; and they wished to see some scheme adopted, which would both remove these evils, and prevent the recurrence of others of a similar kind. This, however, was a bill to extend the system of exclusion, and to aggravate all the violations to which justice was now exposed. The town-councils would not consist of persons anxious for the preservation of peace and the security of property, but would be filled with men of the anti-church and Catholic party, advocates of the repeal of the union, and of the separation of British and Irish interests. The result of the elections under the English municipal bill shewed that the infallible result would be the transference of power from one party to another. The sole object of those who had framed, of those who had countenanced, and of those who had imposed the pre-

sent bill upon government, was power. The sole object of the measure of parliamentary reform, of the bill for the reform of the English corporations, and, more than all, of the bill now before the House, was to dispossess one party of power and to invest another with it—to transfer power from conservative hands, and aggrandize radical interests. Here was a 5*l*. qualification. If excitement prevailed in Ireland at the election of members of parliament, how far more prevalent would be the excitement which would attend the elections under this bill. Let their lordships contemplate another engine, the most formidable that ever was wielded in the popular cause, he meant the priesthood—an engine, the most mischievous and formidable that ever was let forth on the side of a political party. The town-councils would become exclusively Catholic, and yet this was a bill to remedy the evils of an exclusive system. The result would be the same upon the magistracy. Persons of the same class and feelings as those composing the town-councils would be elected universally; the administration of justice and of municipal affairs would be confined to a party of inflammatory demagogues; justice itself would be poisoned at its source, and corporate property devoted to any but its legitimate purposes. While thus powerful for mischief, they would have only subordinate duties to perform, for which no corporation was necessary. Agreeing, therefore, in the first clause of the bill, by which all corporations were at once abolished through the whole kingdom of Ireland, it seemed to him that all that remained to be

done could be well provided for, without passing so monstrous a measure as this. His lordship then sketched a plan similar to that which had been proposed in the lower house by sir Robert Peel, and which he, or some of those with whom he acted, would propose should be inserted in the bill in place of the clauses constructing the new corporations.

Accordingly, when the house was about to go into committee on the bill (April 26), lord Fitzgerald moved, as had been done in the Commons, "That it be an instruction to the committee to make provision for the abolition of such corporations, and for such arrangements as may be necessary, on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland." The lord chancellor argued against the plan of which this instruction was to be the foundation, on the ground that no interference with corporations or their property could be justified, except by necessity, and that, in the present instance, there was no necessity for destroying, but only for improving. Whatever might have been the objects originally in view in establishing these corporations, it was certain that the intention of the act of 1793 had been to throw them open to Catholics as well as Protestants. In law, their exclusive character had terminated there. It had been maintained, however, *de facto*, in defiance of the spirit and purpose of the law, and the present bill did no more than furnish means for rendering that spirit and purpose effectual. The corporations were trusts for all the

inhabitants; these trusts had been abused; was it not, then, the natural remedy to open them by enforcing the rights of those who had been declared eligible in 1793? The proposal from the other side of the house was, to deprive the corporations of their estates for ever, merely to prevent them from falling under the administration of the Roman Catholics. The property, indeed, was to be vested in commissioners, and applied to municipal purposes; but was it no interference to take it from one person and hand it over to others? And where was the necessity? If the act of 1793 contemplated that Catholics should become members of corporations, and thus share in their administration, was there anything in their politics or religion which rendered them less trustworthy at the present day? They had been excluded till now, not by the law, which designed to admit them, but by the system of nomination and self-election, which the bill before the house was intended to cure. But the opposition would have no cure: they thought the patient would be troublesome if he recovered, and therefore they proposed he should be put to death. The corporators, rather than allow the power which they had abused, and could no longer retain for themselves, to pass into other hands, in which it would be usefully employed, wished to destroy it altogether. The same considerations would have justified the abolition of the representative system in Ireland, instead of extending the parliamentary franchise to Catholics. Catholics could vote for members of parliament, and they were themselves eligible; they had thus a

voice in the most important concerns of the country. What danger, then, could be apprehended from allowing them to vote for, or to be themselves elected, mayors, aldermen, or councillors? There might be some ground for objection, if the bill increased the powers of corporations; but it diminished them, for it transferred to the crown the right of naming the sheriffs. To say, likewise, that these corporations would increase the evils of political agitation, was to contradict all experience. Although the people of Ireland had no corporations, would they have no meetings? and were they likely to be less turbulent if they were allowed to hold meetings without the presence of any person having weight and influence on account of his municipal office to regulate their proceedings and enforce order? The very circumstance of the municipal elections being annual, was calculated to inspire any other feeling but alarm. It would interest the people in the affairs of their own particular town; and the continually recurring elections of the mayors and aldermen would divert their attention from other dangerous considerations. He therefore thought, that if it were their lordships' object to prevent the population of Ireland from being turbulent, they could not secure it better than by giving them some local politics to absorb their attention.

In answer to the lord chancellor, lord Abinger asked, whether they did not equally strip a corporation of its property by abolishing it, and substituting another in its place? Assuming corporations to possess property in their own right, the

lord chancellor argued, that it would be unjust to deprive them of it: but he seemed to forget that it was his own bill that abolished the corporations, and consequently took their property away; and the injustice of this proceeding was not at all mitigated by the erection of new corporations in their stead. Supposing, on the other hand, that the corporations were the trustees of the property they held, for the benefit of the different towns, the object of the government then was, not to take from the towns the property which belonged to them, but to create new trustees to administer it for the benefit of the towns, as the present corporations had not properly executed their duties. Thus it became a mere question of policy whether the trustees should be commissioners appointed by the crown, or new corporations elected under the provisions of the present bill. Again, it was called a very violent measure to abolish the existing corporations. He concurred in this opinion, and nothing but strong necessity could justify the act. The corporations had rights, franchises, and sometimes property, and to abolish them was to take those rights and that property away. This was a measure of violence not to be adopted without some strong reason of necessity. But it appeared to be admitted by both sides of the house, that a case had been made out for the abolition of the present corporations in Ireland; and he would suggest to the lord chancellor, that when once he consented to their abolition, he had passed the Rubicon. To extinguish the old, and to create new corporations, were entirely dis-

tinct affairs. Was there any sense or consistency in saying that parliament could not consent to abolish one system of corporations as being a nuisance, without erecting another system in its place, which should be equally a nuisance?

Lord Holland, besides repeating the arguments in favour of the bill, expressed doubts, whether the house could competently proceed by an instruction to the committee. He believed it was an irregular proceeding to move an instruction to a committee on a bill which had been brought up from the other house of parliament. He had been searching the journals, and he found no precedents of a bill, sent up from the House of Commons, and altered in a committee of their lordships' house in consequence of an instruction, being received again by the other house. There were two instances of a bill being altered in their lordships' house by means of an instruction in 1808; but one of them was rejected by the House of Commons, and the other was not passed by their lordships. In 1695, the clerks at the table were directed to search for precedents of such a proceeding; and two were found. In one of the cases the bill was extinguished by a prorogation; and the other case was connected with the memorable transaction of the earl of Danby's attainder and impeachment. On that occasion, a bill of attainder was brought up, and a noble lord, anxious to save the earl of Danby from all the consequences of attainder, and not daring to oppose the bill openly, moved that it should be an instruction or direction—he did not know which word was used—to the committee

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to leave out the attainder, and introduce the punishment of banishment. When the amendment was communicated to the Commons, they disagreed to it; and the House of Lords acknowledged, that they had done wrong, and resolved, that the proceeding in the matter of that attainder should never be made a precedent. The present was a course which their lordships might very properly adopt with regard to a bill of their own; and if a bill to amend the corporations were originally introduced in that house, they had a perfect right to instruct their committee to convert it into a bill for the reform of the church. But they had no right so to change a bill which was sent up to them from the other house. The law of parliament gave an opportunity to both houses to consider every bill submitted to them in three different stages; but an amendment adopted in the Lords to a bill sent up from the Commons could only once be taken into consideration by the latter. Consequently, if their lordships entirely altered the nature of a bill which had passed the Commons, they would be in fact introducing a new bill, and depriving the other house of all power to give it that full consideration which the constitution allowed.

Lord Lyndhurst, on this point of form, referred to the precedent of the bank charter bill in 1808. After it came up from the Commons, lord Grenville moved an instruction to the committee on the bill, to the effect, that Roman Catholics should be allowed to become members of the company; and lord Holland, and all his political friends, had voted for the instruction without once doubting

its competency or regularity. On the merits of the question, his lordship entreated the house to consider what sort of things they were going to create, and call corporations, after all the deductions which ministers, appalled at the probable consequences of their own measure, had found it necessary to make from the powers and duties of these bodies. Corporation property was of two kinds: first, property held in trust for charitable purposes; and, secondly property held in trust for the benefit of the inhabitants at large. There was, however, no difference, except in the nature of the trusts. The promoters of this bill took away one kind—namely, the charity property, and vested it in individuals; and yet they complained, that his proposition violated the principle they had taken, because he proposed to vest the other property in commissioners, in trust, to discharge the burthens of the towns for the benefit of the inhabitants. By the ministerial bill, the existing corporations were dissolved and extinguished, and there was an end of them; he, and those who thought with him, adopted that portion of the plan; they would not defend exclusive corporations; they would not defend the continuance of the administration of justice in the hands of one party. But they said, why substitute new corporations, for which there could be no adequate object or purpose? The ministerial bill provided for the administration of justice without corporations: we, by our plan, do the same. Ministers in the same way, provided for the administration of charities: we do the same—we take their clause. They detached the appointment of

sheriffs from the corporations, and placed it in the crown. We adopt the same course; and with regard to the disposal of church patronage, we also take the clause and adopt the principle of the bill. These were really the only important powers at present possessed by corporations; indeed, what remained to them after these important powers were taken away? Absolutely nothing. But, said ministers, the new corporations must be provided with something to do; and accordingly they get, by this measure, duties to perform, which never belonged to their predecessors. From the report before their lordships, it appeared, that the minor duties of a corporation, such as lighting, watching, paving, cleansing, and the removal of nuisances, were detached from the corporate body, and discharged by commissioners, and in a most creditable and satisfactory manner. Now, what did the bill do? Why, it stated, that as all the powers and important duties of the corporate bodies had been removed; and as the new corporations must have some duties allotted to them, the powers and duties of these commissioners, who were reported to have fulfilled their duties most creditably and satisfactorily, should be transferred to the new corporations. Was it necessary for these purposes to create these new corporate bodies? Ministers had detached all important duties from the corporations; let it therefore remain so, and thus put an end to all corporations. In looking to the question of the creation of new corporate bodies, it was not a little material to advert to a matter connected with it which had not yet been mentioned — he alluded to the expenses

which the proposed new system would create. This bill proposed, that the mayor of each corporate town should be paid, that the town-clerk should be paid, that the recorder should be paid, as well as all other officers that might be thought necessary to carry into effect the objects of this bill. All were to be paid, and how? Why, at the discretion of the town-council, composed of a party who would take care of their friends in a manner not to be exceeded even in the history of Irish jobbing. Besides these expenses, compensation was to be paid to all persons at present holding corporate offices of emolument who should be dismissed. The theatre for these proceedings was Ireland; and, knowing that fact, could they doubt, but that if this bill should pass, there would be a general clearing out, and compensation must be given to all? Again, there was to be the expenses of an annual election, of lists of voters to be made out, notices to be given, the erection of polling booths, and all the other incidents of a popular election, and all at the public expense. Then there was to be a watch, with a chief superintendent at a paid salary; the wages of the men, allowances for extraordinary activity, and so on, in a detail that was truly surprising. In addition to this, police-houses were to be kept up; and how were all these expenses to be met? Why, they were to be paid out of the surplus property of the corporations, after their debts had been discharged. But where was that property? Some of the boroughs possessed none; others had not more than 1,000*l.* a-year; some not exceeding 500*l.* per annum, and nearly all involved in

debt; so that the expenses, which he had detailed, would fall on a borough rate to be raised on the inhabitants, who would soon feel its effects, and would as soon regret the adoption of the bill.

While the bill would transfer all power to one party, and produce incessant turmoil and confusion, it contained provisions peculiarly fitted to aggravate these mischiefs. In this country, the lists of persons entitled to vote at municipal elections were made out in such a manner as to secure impartiality, being framed by the overseers. The marginal note to the clause of the present bill, which related to this matter, stated that, in Ireland, this duty was to be performed by the church-warrens; but the clause itself showed, that the regulation extended only to the first year; and that afterwards, the party chosen to perform it was the town-clerk—an officer who held his situation during the pleasure of the town-council, a mere creature of that body. Could there be chosen by possibility a more objectionable individual for that important duty? Another point on which he begged an explanation, was with respect to the divisions of the corporate towns into wards—a matter upon which their lordships were extremely careful and anxious last year, in reference to the English municipal bill. In that measure care was taken, that it should not come into operation, until those divisions were completed. Now, the present bill contained provisions for dividing certain large towns into wards; but there was nothing to prevent municipal elections taking place before these divisions were carried into effect, unless a bill was passed during the present

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session; and they all knew upon whom that depended. He would ask any of their lordships who had witnessed contested elections in Ireland, if it were possible to exaggerate the evils of such contests, or inflict upon the people of that country a more severe grievance than the establishment of annual elections, conducted in the spirit by which they would be characterised. It was childish to contend for what was called the principle of equal legislation with England and Scotland. Ministers themselves had shewn the impossibility of equal legislation in this very measure; for they had withdrawn from it all the powers and influence enjoyed and exercised by the English corporations, and so far they had acknowledged, that Ireland could not be treated in the same way as this country. Ireland had had a coercion bill; where had there been a corresponding measure for England? Again a constabulary bill was now before the house for Ireland; there was no corresponding measure for this country. Ireland must be regarded as she existed; her character, feelings, and parties must be looked to and legislated for accordingly.

Lord Melbourne, again, maintained, that the argument was not affected by the diminution of the powers of the new corporations, because the corporations themselves would still remain; the towns and cities of Ireland would still have local and municipal government; and that was what Ireland particularly required—a species of local aristocracy and local control, the importance of which had been too much lost sight of. There had grown up in Ireland a disposition to look too much to the govern-

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ment—to turn their eyes towards the castle, in consequence of the absence of local management and local government. He did not know whether there had not been in England too much of local management and control—that was, too much without the survey and management of the supreme government, and if he might be permitted to use the slang of the day, too little of the principle of centralization; but if there was anything in Ireland which we ought to foster and bring forward, it was local authority, local interference, local distinctions. All of these their lordships were now joining to do away with at one blow; and that, too, in large cities, which were growing into importance, whose interests must be injured, and whose feelings, bound up as they were with their interests must be compromised by the course which their lordships were hastily, and rashly, in his opinion, about to pursue. What reasons were there to expect, that these town-councils would become schools of agitation, or political bodies? Had they become so in England? and if they had, had they any power? He knew nothing more weak or feeble than an assembly which steps out of its own province to mis-use and pervert the authority with which it was invested, for the accomplishment of other objects. It had been objected, that the danger consisted in the abuse which Roman Catholics would make of the power newly put into their hands. But, after all, did the Roman Catholics abuse their parliamentary franchise? There were 105 Irish members of the House of Commons, and only thirty-one of these were Roman Catholics,

and many of them of one family, and elected under peculiar circumstances. But this state of things would not always exist, because, Mr. O'Connell—whether man or devil, whether he were,—

“A spirit of health or goblin damned,”

was an individual or being of rather unusual occurrence. Every age did not produce them, and no man ever precisely filled the situation another had occupied. His predominance in the Irish representation was owing to the peculiar circumstances of the present time, and therefore it was not wise or prudent for a great assembly like that to legislate on such narrow grounds. He said, then, that there was no reason to believe, that the Roman Catholics would exercise more power than necessarily belonged to their numbers, and their influence. With regard to the influence exercised by the priests, it was a very difficult and delicate thing to separate the influence of the ministers of religion from the influence of religion itself; and where a participation in the rights of that religion was considered absolutely essential, the power they exercised must be commanding. A power of this kind was a blessing or a curse to a country, according to the manner in which it was employed. At any rate they could not hope to diminish that power by condemning it, arising as it did from the habits of the people, as well as the religious influence which the priests might be supposed to possess over their minds, and which was no doubt exerted. But their lordships had not been prevented, by the fear of that influence being exercised on questions connected

with the parliamentary franchise, from bestowing that boon upon the Roman Catholics; and therefore, if the reasoning on which their opposition to the municipal franchise was grounded, was pushed to extremity, it would take from the Roman Catholics the right to elect their representatives in the House of Commons.

The motion of lord Fitzgerald was carried by the large majority of eighty-four; the votes in favour of it being 203, and against it 119. On the 9th of May the committee proceeded. The first clause repealing "all acts, charters, and customs, inconsistent with this act," was agreed to, and the existing corporations were thus abolished. On lord Lyndhurst moving certain amendments on the second clause which reserved the rights of freemen, another general debate arose which ended in ministers being left in a minority of fifty-four; there being 107 votes against them, and 53 for them. Another division took place on the motion for striking out the 22nd clause, which enacted that the boroughs should have a mayor, and a certain number of councillors, and aldermen, as they were arranged in the schedules. The question which now arose was, whether corporations might not be beneficially preserved in the larger towns. The duke of Richmond was not for having corporations in small towns, either in England or Ireland, but there could be no danger in giving great commercial cities the management of their own affairs. He did not see why Dublin, Belfast, Dundalk, Kilkenny, Limerick, Waterford, Galway, and Cork, should not have corporations, which had been given

in this country to places not possessing one half of their trade or population. He proposed, therefore, that the clause should remain for the purpose of retaining those eight towns in the corresponding schedule, and striking out the others. After another discussion, which exhausted itself not on the merits of the proposed selection, but of the general question, the motion for striking out the clause was carried by ninety-eight to forty-five. On the third reading of the bill, the duke of Richmond renewed his proposition, limiting it to seven of the largest towns. The marquess of Lansdown declared that the motion was not made in consequence of any arrangement or communication with the ministry, but he thought it one which ought to be entertained. Government had never intended to preclude itself from inquiring to what towns corporate powers should be extended. What they were most anxious to preserve was, the corporation principle in Ireland. If that were maintained, he did not say that corporations ought to be continued in all the small towns; and if any difference was to be made, it ought to be in favour of the large towns, because it was there that corporations must be useful, if they were good for anything. If it were in any case desirable to establish independent bodies between the government and the people, through which public opinion might be declared, surely such bodies ought to be established in large towns, where the number, complexity, and amount of existing interests proclaimed the policy and advantage of creating them. Their establishment would be attended with the most beneficial conse-

quences, in restraining that very spirit of agitation which seemed to be the bug-bear of noble lords opposite, and frightened them into sacrificing the interests of Ireland to quiet their own fears and apprehensions, without any experience of consequences, inasmuch as they had had no experience of the workings of this particular mode of election.

It was answered, that the proposed alteration was inconsistent with every principle on which the House had been proceeding in amending the bill. They had destroyed the old corporations; they had refused to create new corporations, because they would only perpetuate the evils already complained of, and introduce new mischiefs far more ruinous. If they had been wrong in this, they ought to return to the original bill; but if they believed themselves to be right, then the large towns were the very last in which they could wish to see such corporations established, because these were the very places where all the mischiefs, which the House dreaded, would be most aggravated in their effects. The objection to the corporations was the spirit of agitation which would be likely to pervade them, and this spirit would not be half so dangerous to the security of the country, when raging in a town of small extent, as when employed to excite and mislead the population of a larger community. The motion was rejected by 141 to 82.

The bill, having been thus brought into the form which the minority in the lower House had endeavoured to give to it, was sent down to the Commons on the 19th of May. In the Peers, ministers had stated their opinion

that the bill would be lost in consequence of the great change which had been made in its provisions; but they had not withdrawn it; they had themselves moved the third reading, in order that it might go down to the Commons; there seemed reason to believe, therefore, that they would still attempt a compromise. Lord John Russell, in moving that the Lords amendments should, in the meantime, be printed, stated, that however willing he might be to come to some arrangement, in regard to the constitution of the franchise, for instance, the particular towns to which corporations ought to be given, and similar points, he would never consent to deprive Ireland of municipal government altogether, thereby stigmatizing and degrading its people. The more violent of the radicals spoke of the necessity of an "organic change" in the House of Lords, if they continued thus to stand in the way of the House of Commons; and Mr. D. Browne, an Irish member, promised to undertake the task of making such a proposition himself, if nobody else did, as if the thing could be accomplished by a vote of the House of Commons, and the rashness and ferocity of unmanacled democracy were already triumphant. Mr. O'Connell, himself, had struck the note by a production which appeared in the London papers of that day, in which he said: "I wish to know whether the British people are ready to submit in quiet, and without remonstrance, to the irresponsible, and therefore despotic, authority of that assembly, or will they now join with me to make the union real, by insisting, in a voice too distinct to be misunderstood, and too loud to be neg-

lected, upon an organic change in that assembly, such as has become absolutely necessary for the consolidation of a real union between both countries, and for the advancement of good government in each? 1. We will have lord Lyndhurst's bill kicked out. No compromise, no submission; the lords have commenced the collision; they have taken their choice to rest that collision upon the insulting iniquity of refusing corporate reform to Ireland. We only follow in their track by throwing out the bill, and join issue with them to the country. 2. We appeal to the people of England for aid and assistance; we are entitled to that aid and assistance. In the name of the people of Ireland, I call upon you for that aid and assistance."

On the 9th of June, lord John Russell moved, that the Lords' amendments should be taken into consideration. The bill, he said, which had now come down to them, contained little or nothing of the bill which they had sent up. Out of 140 clauses, 106 had been in substance omitted, and eighteen others had been introduced. They had sent up a bill for regulating and renewing the corporations, allowing them still to exist on the same conditions as in England and Scotland; they had got back a bill which abolished them entirely, but which preserved to many of the persons, who held office in these bodies, all the power and profit of their situations. By the 5th clause, bodies corporate were dissolved on the 1st January, 1837, and the power of electing new officers ceased after the passing of the act. By the 12th clause, clerks of the market, weigh-masters of all

goods, tasters of butter, &c, were continued in office during their lives, and persons appointed between the passing of the bill, and the 1st of January, were also to continue in their offices, but might be removed at the pleasure of the lord-lieutenant. He would venture to say, that so gross an opening for jobbing as this presented had never been offered. Town-clerks, likewise, bailiffs, treasurers, and other ministerial or executive officers, were to continue in office, till removed by the commissioners appointed by the act; and compensation was provided for all persons whom the act might deprive of situations or emolument. Charitable trusts were vested in those persons acting as trustees on the 1st of January, as well as in those filling the office of mayor, aldermen, or other members of the governing body on the 31st of December. Trusts, other than charitable, were also vested in the mayor and aldermen under the present system; and when any body corporate formed part of any other body, these fortunate mayors and aldermen were, after the 31st of December, to become part of such other body. Town-clerks, who, in right of their office, were likewise clerks of the peace, registrars of the court of record for the trial of civil actions, and clerks of the courts of conscience, holding office on the 31st of December, were to continue in office after that day. There were clauses which extinguished corporations indeed, but retained in office, in some instances for life, and in others, till removed in a particular way, persons who might have been active in abusing the trust reposed in them. The constructive portion of the bill, again, amounted

to this:—The lord-lieutenant of Ireland was empowered to appoint commissioners to carry this act into execution, and all the property of the extinguished corporations was to be vested in those commissioners, who were empowered to appoint a treasurer, to bring and defend actions, and compromise and settle accounts. By the 41st clause, the commissioners were empowered to pay the salaries of the recorders, town-clerks, and other corporate officers out of the funds; and, in every town where there was, at the time of passing the act, any court of conscience, to pay the salary of the judge of that court of conscience, and of his attendant officers; and, in case there should be any residue then left, to pay that residue over to the commissioners appointed under the 9th of George IV. in aid of the rates levied by them; and in case there should still be a surplus, to apply it, under the direction of the lord-lieutenant, for the public benefit of the inhabitants of the town at large. The commissioners had likewise power to abolish tolls, and to remove any town-clerk, bailiff, treasurer, or chamberlain; while the lord-lieutenant was authorised to appoint clerks of markets and weigh-masters, on the occurrence of any vacancies. The effect of these different clauses was, to vest in commissioners nominated by the lord-lieutenant of Ireland, all the corporate property of that country, and to give them the nomination to every corporate office which was still left in existence. He declared at once, that he never would agree to such clauses. He considered that corporations, even in their worst state, were a species of local

government which never had belonged, and which never ought to belong, to the supreme executive, and that corporations, in their reformed state, were constitutions, whereby, under popular control, the inhabitants of towns managed their own affairs, and controlled the local government of everything which concerned them. Admiring, as he did, the objects for which, and the principles on which, our ancient corporations were founded, he never would adopt this new and despotic principle of fixing in a central board, a power which, when fixed locally, was duly and properly placed. How could those who, on other occasions, professed so sacred a regard for the rights of property, consent to this scheme for taking corporate property from the towns to which it belonged, and leaving its application to persons to be named by the lord-lieutenant? and what limit could be put to the jobbing which must take place to gain the patronage of the commissioners in regard to borough matters? He could not consent, therefore, either to the first part of the new bill, which professed to destroy corporations, nor to the second, which placed such extraordinary powers in the hands of commissioners. What he would propose was as follows:—He would not propose, for that would lead to the certain rejection of the bill, that all the towns to which the original measure gave a corporation should be retained, nor would he propose that all the clauses which the House of Lords had struck out, should be restored; but he would propose that the larger towns, originally divided between schedules A and B, should be placed in one, and that all the

clauses for the government of corporate towns, should be restored to the bill, with the view of applying them to these particular towns. These towns would be, Dublin, Belfast, Cork, Galway, Kilkenny, Limerick, Waterford, Clonmel, Drogheda, Londonderry, and Sligo: he would likewise take in Carrickfergus, because it was a county of a town. In regard to the other towns, he would not give them corporations, but neither would he leave them subject to the provisions of the Lords' bill. He therefore proposed that the provisions of the act of 1828, should be applied immediately to twenty-two of the towns in schedule C, and that so soon as the 5*l.* householders in these towns had chosen commissioners, the corporate property, and the right of appointing to the necessary offices, should vest in the commissioners. There would be commissioners elected by the inhabitants, instead of being appointed by the lord-lieutenant. In regard to the remaining boroughs of schedule C, as they possessed little property, he would neither subject them to the expense of a corporation, nor compel them to elect commissioners under the act of 1828, but would leave it to them to have recourse to the latter, if they thought fit. Some alterations had been made by the lords in other clauses of the bill, regarding the granting of quarter sessions, and the appointment of recorders, in corporate towns, but these alterations did not impair the spirit of the original bill, and therefore he would not quarrel with them. The difference which still remained between them was one of principle—should there be municipal government in Ireland or not?

Municipal government, placed on a popular basis, and under popular control, was excellent and useful in itself; and in Ireland it would tend to public tranquillity, by assuaging jealousies, and removing causes of discontent which were equally irritating and glaring. His lordship then moved the rejection of the amendment of the lords on the fourth clause, which implied the continuance of corporations, and which, therefore, had been struck out by the peers.

This motion led to another debate of two days duration, in which all the topics that had been so recently discussed, were again put forward, with the addition of many reflections on the conduct of the House of Lords, and much vituperation, in particular, of lord Lyndhurst. Sir W. Follett maintained, that if in truth there was no object in view but the tranquillity and good government of Ireland, no reasonable-minded man could find fault with what the lords had done. Lord John Russell seemed to have discovered that the Lords, in abolishing corporations, had preserved the members of these existing bodies. There was no such provision in the bill. The members of the existing corporations, with all their rights, privileges, and powers, would cease at once, they could no longer remain members of a corporate body. No doubt certain officers, who would otherwise have been entitled to compensation, but who were not members of the corporate body—persons, for instance, appointed to act as weight-masters, market-clerks, &c., holding for life, having a vested interest in their offices, had been preserved by the bill. But the noble lord must remember, that the compensa-

clause introduced in the English act, with respect to pensions and allowances, had been copied into the present bill; and he did not believe there was any essential alteration. On the abolition of the existing exclusive Protestant corporations, there was no difference of opinion; the Lords agreed with the Commons: they had also adopted the clause, preserving the rights, privileges, and property of the existing freemen. With regard to the functions of the existing corporations in Ireland, these bodies, at present, exercised no power whatever, but that of the administration of justice. Political power had been taken from them—they had no control in municipal arrangements, the watching, paving, cleansing, or lighting of the towns—nothing that was ordinarily called municipal power; but they did exercise the functions of justices of the peace; they appointed the sheriffs, magistrates, and coroners. What did the Bill propose with respect to them? The Bill, as sent up from that House, vested in the Lord-lieutenant, or in the Crown, the appointment of the magistrates—it vested in the Lord-lieutenant, or in the Crown, the appointment of sheriffs in counties of towns and cities in Ireland, and left the appointment of coroner, also a most important officer, to the nomination of the town-council; by the bill, as it came from the Lords, it was provided that the coroner, sheriffs, justices, and judges of the local courts, should all be appointed by the Crown. The bill, as it went up, and the bill, as it came down from the Lords, agreed in this—that in both they proceeded upon a different principle from that of the English bill; both pro-

ceeded on the assumption that, at least as regards the administration of justice, there was something in the present state of society in Ireland, which called for a different mode of legislation from that which had been adopted towards England. That was the principle of the bill, as it left that House; the Lords had adopted it, both proceeding on the same foundation, that the administration of justice should be taken from those bodies, and vested in the Crown. What had the lords done with respect to the municipal functions now exercised in those towns? They had not left them, in the hands of the existing corporations, for they were abolished; they had left them under the control of the local boards appointed by local acts of parliament, which, according to the testimony of all parties, had worked well in the great towns of Ireland. The municipal affairs of towns—the watching, paving, cleansing, lighting, everything connected with municipal regulation, had been admirably conducted by those local boards, which had never been converted, and were in no danger of being converted, into theatres of political contention. The Lords, therefore, had left these matters to be provided for, as under the 9th George IV., and particular local acts.

In regard to corporate property, it had been argued, that the bill of the Lords left it entirely at the mercy of the commissioners, checked only by the vague words, “to be applied to public purposes.” This was another discovery of what did not exist. By the bill, the commissioners had no such power. It vested the property in them; but it directed, at the same time, that the whole of the income

of that property should be applied in the first place, to pay the salaries of the recorder and judges of the local courts, and that the remainder should be given to trustees under local acts, or where local acts did not exist, to trustees under the 9th George IV., where that act had been adopted. The commissioners could not spend one penny beyond satisfying the salaries of the recorder and the judges of the local courts; all that might remain being to go, under the local acts or the 9th George IV. to trustees, and in aid of the rates; so that, in fact, the commissioners possessed no such discretion, and could give occasion to no such jobbing, as had been represented by the noble lord. It was only in those towns in Ireland where there happened to be no local boards, or where the 9th of George IV. had not been adopted, that the commissioners had any discretion at all. Now, it so happened, that every one of the eleven towns enumerated in the schedule by the noble lord, had local boards. Others had adopted the statute 9th George IV.; but there was, he believed, no town in Ireland, with property of any amount, which had not some local board, to which the commissioners would be obliged to hand over the corporate property; indeed, this might be done in every town, because, as the law now stood, by adopting the provisions of the 9th of Geo. IV., and electing commissioners by the 5*l*. householders, the commissioners under the present act would be bound to give up the whole property to the trustees, to be added to the rates. It was perfectly clear, that there was no necessity, as far as regarded the regulations of municipal towns, as far as regard-

ed the local government and administration of justice in those towns, for the creation of the proposed new bodies. They were not wanted for the purposes of municipal government, and if wanted at all, it could only be for some other purposes.

The attorney-general for Ireland contended, that, notwithstanding all that had been taken, and properly taken, from the corporations by the original bill, enough still remained to render them necessary. The original bill left the whole administration of the corporate property in the hands of the burgesses. The corporate property of the city of Dublin, for instance, amounted to 40,000*l*. a-year, and these funds were applied by the corporation almost exclusively to sectarian and party purposes; and was it to be said that the administration of these funds, and the appointment to local offices, which was vested in the corporation, had nothing to do with the state of society in Ireland? If it was true that commissioners elected by the 5*l*. householders under the act of 1828, were so free from politics, and did the business so well, why not give them directly the power which it was pretended was given them circuitously through the commissioners? The bill, as it was sent up to the House of Lords, did indeed take away from the corporate body any share in the administration of justice, and in that respect it differed from the corporation act which was passed for England; but when members opposite objected to sheriffs being appointed by the constituency, it was too much for them to taunt those who sat on his side of the house with depriving the corporate body of

any part in the administration of justice. He did not say that it was proper to preserve to corporators the powers connected with the administration of justice. He admitted that everything connected with the administration of justice ought to be vested in the crown; but members opposite, who contended for this principle, when they came to a clerk of the peace, or of the crown, who was connected with the old corporators, wished to allow him to retain his office for life. The real truth was, that this measure, as it came down from the other house of parliament, professing to deal with corporations, was only intended to establish, as a principle of legislation, that you might make one set of laws for one part of the kingdom, while another code of legislation was adopted for another. Let not the people of England imagine that the Irish nation would submit to this, because they had the fortune, or rather the misfortune, to differ in religion from them. To that the question must come, that because the Irish differed in religion from the majority of the English people, the House of Lords thought they ought not to be trusted with corporate privileges. Now, if this were the principle on which this question was to be decided, the sooner it was understood the better. He knew of no principle so well calculated as this to shake the connexion between the two countries. He would go further, and say that it was impossible, no matter how deeply a man might be convinced, how much better it would be for both countries, that the connexion which existed between them should be maintained, for any person who was placed in the degraded situation to which such a principle would condemn him, not to desire and exert every effort to effect a separation between the two countries.

Mr. Crawford, an Irish member, thought that ministers were wrong in consenting to sacrifice so much of the original bill, and that in doing so, they gave up the principle to the Lords. The original bill, he said, established fifty municipal corporations in Ireland. The Lords rejected its principle by abolishing all corporations. Ministers now proposed that there should be only twelve corporations, instead of fifty. Was not this an admission that the Lords were right in principle? They had recourse, too, to the act of 1828; but if that act were good for thirty-eight towns out of the fifty, why should it not be good for the remaining twelve? If ministers once admitted the principle that the provisions of that act would be a sufficient substitute for a municipal body, they abandoned the whole question. This form of municipal government Ireland already possessed; for any town, on the requisition of a certain number of the inhabitants, might have the provisions of the act extended to it. The only difference between that and the plan now proposed was, that in the one case the thing was voluntary, and in the other it would be compulsory. No reason had been assigned for supporting this proposition, which would not equally apply to all the Lords' amendments; and as he objected to the entire principle of these amendments, so he objected to the adoption of any part of that principle. After what ministers had said of

the necessity of the bill as it had been sent up to the other house, he was surprised they should now be so inconsistent; and he was sorry to find Mr. O'Connell agreeing with them, after he had announced to the people of Ireland that there would be no compromise, no surrender.

Sir Robert Peel found in the new plan of ministers only new departures from all sound principle and sober legislation. Among other things, they now proposed to compel twenty-one towns in Ireland to adopt the provisions of the 9th Geo. IV. Did they mean to deny the right of these towns to adopt a local government or not? Surely, it was more consonant to the principles of self-government to allow these places to determine whether or not they would adopt the provisions than to force them to do so. Every town in Ireland had a right, if it thought fit, to adopt the very act which was thus to be enforced. In what cases was the act to be enforced? In any populous city, however averse to a local government, according to the new plan, the act was to be enforced on the application of twenty-one inhabitants, rated at 20*l.* a-year. Ministers resolved there should be municipal government, whether the inhabitants wished it or not; he thought that sufficient provision was made for local government, when it was rendered optional. For it was not only a grievous fallacy to suppose that corporations were essential to good government, but ministers, if they only looked around them, could not gravely set themselves to maintain such a principle. If they thought that municipal institutions were essential conditions of good government, why were not corporations

enforced throughout this country? Why were Leeds, Manchester, Birmingham, and the districts in this great metropolis to which representatives had been granted, comprehending a population of 1,120,000, without corporations? The cases of Dublin and Liverpool had been compared, and it had been said that, looking to the rapid communication between them, it was disgraceful that one should have a corporation and not the other; that a merchant of Dublin would feel himself degraded on a visit to Liverpool. But if corporations were so essential to good government, what must be the feelings of a merchant of Manchester going to Liverpool? Manchester was as near Liverpool by the railroad as Dublin by sea; and did any man think that a rich merchant of Manchester, proceeding to Liverpool, would meditate, as he was conveyed in the rapid machine, that he was soon to come into a place where he would see, by contrast, his unhappy lot, and that he would return to Manchester insulted and degraded, and be compelled to hide his head under the mortifying impression that he was not an inhabitant of Liverpool? The real question was, would the denial of corporate institutions interfere with the good local government of towns in Ireland, or with the prosperity of the country; and unless it could be shown that the reconstruction of corporate institutions in Ireland was compatible with the proper government of towns, with the due administration of justice, with the interests, not partial, but equal, of Protestants and Catholics, he should overlook the arguments derived from analogy of institutions. In the case of Dub-

lin, the administration of justice was refused, no magistracy was given, and ministers declined to grant the control of the police to the most populous and most important city of Ireland. You take from the municipal corporation the appointment of sheriffs, and vest it in the Lord-Lieutenant; but then, of course, you give to it the direction and management of the watching, paving, and lighting of the city? Not at all. Well, but you invest it with the powers of widening and improving the streets of the city? By no means. But at least you give to it a control and superintendence over the port of Dublin, in which the municipal body of that city must be so much interested? Nothing of the kind. In constituting this municipal body, then you withhold from them everything which, in a municipal institution, can be considered of importance. You do not allow them to interfere in the appointment of sheriffs; you give them no control over the police; you take from this all-important body, this body so essential, in your opinion to good government, the appointment of even a single watchman; you invest in other authorities the charge of lighting, paving, and watching; you commit to the care of others the widening and improving of streets, the superintendence of the port. Now, allow me to ask, when you have taken all those powers away, for what purpose is it that you continue it as a municipal body? I tell you, that if you leave it only for political purposes, it is you, and not I, who are the enemies of Ireland. Much had been said of the appointment of commissioners, who were to take charge of corporate

property, and those for charitable trusts, heretofore administered by corporations. If a corporation was to be abolished, it was almost impossible to avoid the appointment of commissioners for a limited time. He would have preferred that the time should have been limited, and that was the intention when the bill was in that house — that the commissioners should continue for a time, or until Parliament should determine otherwise; but it was unavoidable that some commissioners should be appointed to take charge of corporate property where corporations were abolished—for there were many towns which had no local act. Some members were indignant at the proposition, that the property of corporations should be placed in the hands of commissioners. But see how they themselves would deal with a corporate body of another description—with the church. The church had a prescriptive right to property long anterior to the existence of most of those corporations. The security of that property had been guaranteed in the fullest manner by one of the articles of union between the two kingdoms. Now, let members look at the 70th clause of the tithe bill, and see how far that guarantee of the church property had been respected by those who were now so loud in their exclamations against the investment of any corporate property in the hands of commissioners. By that clause it was enacted, that when a living became void, the glebe, glebe-house, and offices were to become vested in the hands of commissioners appointed by the crown. And this is from you, who deprecate interference with corporate property—you who pro-

less anxiety to keep it sacred from the slightest violation! You, who could not reconcile it to your views of justice to transfer property from a corporation to the management of a commission appointed by the crown, felt no compunctious visitings when you enacted, that on the voidance of every living, the glebe-house, offices, and glebe, should be transferred from the church and vested in the crown. He was sure that by refusing to re-construct the corporations, we should have much better guarantees for the promotion of domestic peace and harmony in Ireland, for the investment of capital, and the promotion of industry, than we now possessed; and he had no doubt that if this question were viewed aloof from the prejudices which it created, and not as one affecting national feelings and national prejudices, the opinion would be general that the removal of the old corporations, and the refusal to construct new ones on their foundation, would be pregnant with immense benefits to Ireland. You accuse us, continued sir Robert, of having no reason for our objection, except antipathy to the Catholic church—that, in point of fact, religious bigotry is at the bottom of our opposition—that we hate you as Roman Catholics, and refuse to you corporate institutions, for the purpose of obstructing your prosperity, and insulting your feelings. But what have been your own words? Have they not been the justification of the distrust you have experienced? Have you not told us that those institutions have been in England, and will be in Ireland, the schools of political agitation? May we not ob-

ject to convert institutions that were intended for the purposes of local government into the arena of civil discord? You tell us that your object is, unless justice be done, a repeal of the union—that you will never be satisfied without making the House of Lords responsible—that the arrangement made with respect to tithe is wholly unsatisfactory. You use arguments implying a present acquiescence in it, by a determination to take the first legitimate opportunity of defeating it. Why can you be surprised, then, if we are unwilling to consent to the institution of those societies, after the warning you have given us that they will not be applied for the purposes of local government, but will be consecrated to those of political agitation—to objects which appear to us destructive of the constitution under which we have lived, and think we have flourished, and fatal to the integrity of that empire, the bonds of which we wish to see indissolubly compact? We think that in the present circumstances of Ireland, practical civil equality is the right of the citizens of that country; we say that that practical civil equality does not depend upon the formal and nominal adoption of similar institutions existing in England and Scotland, and that if the adoption of these similar institutions will destroy that equality, we have a perfect right to object to them on grounds stronger than the argument from analogy of institutions. We believe that Ireland wants repose; we think that these institutions will insure to her agitation. We do not deny that there may be agitation independent of these institutions. You prophesied to

us that there should be; and, I am sorry to say, that the truth of that prophecy, we have too good reason to acknowledge. But we are averse to making ourselves participators in it; we are unwilling to lend the sanction and encouragement of the law to the objects which you propose to yourselves.

Mr. O'Connell, who, from the moment the determination of the House of Lords became manifest, had been assailing them collectively and individually, in written publications and at public meetings, with all the worst epithets of menace and abuse which the language could supply, and who was by no means soothed by the utter failure of his attempts to excite a popular movement in favour of the ministerial plan, argued that the plan was a Protestant plan, because it gave municipal functions to Protestants, and Protestants possessed the greater part of the property of Ireland;—as if 5*l*. householders were the representatives of Irish property. The great staple of his declamation, however, had nothing to do with sober argument upon the question. He repeated his war cry, "Justice for Ireland." England had reformed corporations; Scotland had them; Ireland applied for them; the House of Commons granted her application; the House of Lords refused it, and the collision had at last arrived. It had been said, that so soon as the House of Commons was reformed, it would seek a quarrel with the Lords; that the influence of the democratic principle would be so great and powerful, that the Members representing the democratic part of the community would anxiously seek for a collision with the other House

of Parliament, and would thus make another revolution necessary. That prophecy had been completely falsified. The House of Commons had been forbearing in the extreme. In order to avoid a quarrel, it had exhibited too great humility to the House of Lords, and it had therefore been insulted by that House, and absolutely dared and defied to the collision. Depend upon it, the people of Ireland will never submit in quiet to insult. We have submitted for centuries to your tyranny, but we will not submit with patience to your insults; we will do nothing violent, nothing illegal; we will confine ourselves within the limits of the constitution; we will agitate, agitate, agitate, until Ireland is organised peaceably and legally as it was before; and he trusted that the people of Ireland would have responsive England joining them in the cry of "Justice to Ireland." And now he defied the House of Lords to keep from Ireland municipal institutions. They might, indeed, delay the arrival of them, but keep them from the people of Ireland they never could. He thanked the House of Lords for choosing this Bill as the ground of collision with that House. He thanked them for branding the people of Ireland as aliens to it—he thanked them for thus barbing with insult their dart of death. The Lords might have made the collision on a matter of religion, and thus have made another ineffectual attempt to get up a "No Popery" cry; but they had not even had the talent to choose a good ground on which to fight their own battle. They had put their quarrel on the ground of liberty, a ground which was clear and intelligible to all.

The people of England must therefore, either proclaim the people of Ireland to be unfit for corporate institutions, or they must join us in the collision, and in that collision the people of the three kingdoms could not be unsuccessful. Day after day he saw, in the calm and deliberate judgment of the people of England, the progress of the question of justice to Ireland, and the necessity of another organic reform. He saw no hope for Ireland without that reform; for the Irish ascendancy party had got the ears of a majority in the House of Lords. When defeated in that House, they talked of another place, in which they were certain of succeeding. They were true prophets. The House of Lords had taken its part; the House of Commons was now doing the same; the people of England would determine between them, and might God defend the right.

The motion to reject this amendment of the Lords was carried by 324 against 238, being a majority of 86.

On the 13th and 14th of June, the Bill was brought back to the shape proposed by ministers, its provisions, in so far as regarded corporations, being limited to the twelve towns which lord John Russell had mentioned. Mr. O'Connell had spoken of this limitation as not affecting any principle, but being a mere question of detail, whether there should be fifty corporations or twelve—a view of the matter which would equally have made it merely a matter of detail, if the question had been whether there should be fifty corporations or only one. Mr. Crawford, however, who regarded this change as a sacri-

fice of the principle, moved the restoration of all the towns which had formed schedule E, describing their omission as a compromise by which ministers were attempting to conciliate the Lords. He found himself, however, in a minority of 148 to 8. A Committee was then appointed to draw up the reasons of the House for not agreeing to the amendments of the Peers, and the amended Bill was delivered to the Lords at a conference on the 17th of June. The violence, in the meanwhile, with which the Peers had been assailed by the radical supporters of the Bill, had roused a feeling by no means favourable to the designs of these headstrong men. They had not only failed to excite public enthusiasm in favour of these new corporations, but they had provoked addresses in favour of the amendments of the Lords, praying their Lordships, above all, to maintain their rights, as an independent branch of the legislature. Belfast sent up a petition signed by 12,000 persons; another proceeded from 5,000 operatives and tradesmen of Leeds. Amongst them all the most important was a petition from the bankers, merchants, and traders of London. In presenting it, the Duke of Wellington observed, that he was not astonished, considering all that had passed and was passing on the subject of the deliberations of that House, and particularly in this metropolis, that these petitioners should feel alarm on the subject of the independence of the House of Lords. However, knowing their lordships as he did, he would say that he for one felt no alarm. He was thoroughly convinced, on the one hand, that

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their Lordships would not allow themselves to give way on any apprehension of danger with which they might be menaced ; and he was also thoroughly convinced on the other, that they would not allow themselves to be influenced by any threat of that description, so as to take a course which was not dictated by pure wisdom, and by a consideration of what was essential to the best interests of the country.

On the 27th of June, Lord Melbourne moved that the amendments of the Commons should be taken into consideration. Lord Lyndhurst met the motion with a negative, and another debate followed on all the topics already discussed. The motion was lost by

a majority of 220 to 121, and the Bill sent back to the Commons with the Lords' reasons for adhering to their amendments. In the House of Commons, on the 30th of June, lord John Russell moved, and the House agreed, that the amendments should be taken into consideration that day three months, thus dropping the Bill. Thus terminated, in the mean time, the discussion of a question which had excited attention more as a trial of the state of parties, than from its own merits, and the only positive result of which was, that the time was not arrived, when the House of Peers should sink down into a chamber for registering the decrees of the Commons.

## CHAP. III.

*Irish Tithe Bill—Statement of the Irish Secretary—General Resolution agreed to—Bill brought in containing an Appropriation Clause—Lord Stanley moves for leave to bring in a Bill without such Clause—Debate—Lord John Russell—Sir James Graham—Mr. Sheil—Mr. Harvey—Mr. O'Connell—Sir R. Peel.—Chancellor of the Exchequer—Lord Stanley's motion rejected—Discussions in Committee—The Lords reject the Appropriation Clause—Debate in the Commons on the Amended Bill—The Commons reject the Amendments of the Lords and drop the bill.*

THE other great party question of the session regarding Ireland was the Tithe Bill. Ministers had resolved, or had been compelled by their Irish supporters, to re-introduce it in the same shape which it had borne the previous year, not only containing those provisions for diminishing the amount and regulating the collection of tithe, which removed its pressure from the occupier, and prevented all collision between the payer and the receiver, and upon which all parties were agreed, but containing, likewise, that appropriation clause which had been so strongly opposed in the Commons, and which, being at once rejected by the Lords, had occasioned the loss of the bill. The resolution of ministers was, that however expedient and proper the other provisions of the measure might be, they ought not to be adopted, unless they were accompanied by the declaration of the principle of appropriation, because nothing less would satisfy the papists of Ireland. Their opponents answered, that the other provisions

of the measure produced practical good, and removed all cause of complaint except in so far as complaints were directed against the existence of tithe in any shape—and ministers had not yet gone the length of professing, openly at least, that such complaints should be regarded; that the declaration of what was called the principle of appropriating a surplus, was an absurdity, when no surplus existed: that it was mischievous because its necessary consequence, and its true meaning, was, that a surplus, which did not exist, must be created by plundering the Protestant church. That even if a surplus existed, after duly providing for the Protestant church, it ought to be appropriated only to Protestant ecclesiastical purposes; and that if it was true that the papists of Ireland would not be satisfied, unless some part of these funds were appropriated to other purposes, the true meaning of this was, that it was to be the first step in a design of breaking down the Protestant establishment altogether.

The fate of the Municipal Bill, the firmness with which the Lords had dealt with it, and the impossibility which had been experienced of raising the country against the opinions and independence of the lords, held out to ministers a still more certain prospect of defeat, in which they would have still less upon their side the sympathies of the people. But, whatever their own inclinations might be in regard to a provision or declaration which almost all of them had formerly opposed as one of no practical effect, and unnecessary in itself, they could not resist the demands of their popish allies from Ireland, on whom, if not by disposition, at least as matter of fact, they were dependent for their continuance in office, and in whose eyes all enactments, which went to render the collection of tithe more easy, and peaceful, were positive evils, because such a state of things, instead of aiding, powerfully counteracted their great object of utterly abolishing tithe as an impost paid for the support of the Protestant religion.

It was not till the 25th of April, that ministers again introduced the measure. Lord Morpeth, the Irish Secretary, introduced it by moving a resolution which did not raise the question between the parties, the resolution being merely: "That it is expedient to commute the composition of tithes in Ireland into a rent charge payable by the owners of the estate, and to make further provision for the better regulation of ecclesiastical dues and revenues." The opposition were agreed with the government as to the commutation. Sir Robert Peel, during his brief administration, had proposed to carry it into effect in a bill which the present

ministry rejected only because it took nothing from the church; and the concluding words of the resolution were very far from necessarily implying that "the regulation" of ecclesiastical revenues was to consist in making them cease to be ecclesiastical revenues. Lord Morpeth, however, in opening the scheme which ministers intended to incorporate in their bill, announced that the principle of appropriation would still be declared and acted on. The bill, he said, would follow the uniform precedent of three previous bills, and he believed of four successive administrations, in converting the tithe composition into a rent-charge payable by the owners of the first estate of inheritance, as it was termed. It also preserved those terms of commutation which, in the bill of last year, had been adopted by both houses of Parliament, by conferring a deduction of 30 per cent upon those subject to the payment of the tithe composition. He would not propose, however any contribution from the national funds towards payment of the arrears of former years. On the other hand, he would abandon all claims for repayment of the sums which had been advanced to tithe owners under the Million Act, and which amounted to 637,000*l*. Although there were some persons from whom the demand might be made, yet he was fully convinced that the attempt to recover it would not repay the expense which would be incurred for pen, ink, and paper. Moreover, it would give rise to fresh exactions. It would occasion the renewal of demands upon the occupying tenant, whom all along it had been the first and foremost object of the Government to relieve. Some

doubt had been expressed as to the quarter in which the collection of the rent charges to be substituted for the tithe composition ought to be lodged. The bill of last year intrusted the collection to his Majesty's Commissioners of Land Revenue, the Board of Woods and Forests, with the simple intention of rendering the collection as secure and available as it was possible to the clergy, which the Government had considered to be only a just equivalent for the large permanent deduction from their income. This proposition, it had been contended on the one side, would have a tendency to put the church in the position of a salaried stipendiary on the state; and on the other, that it must be felt to be permanently pledging the revenue of the country to outgoings which it might be considered hazardous to guarantee. Ministers were of opinion that the necessity of now realizing property in a manner most likely to be effectual, and least productive of collision between the clergy and the laity, far overbalanced any merely theoretical objections on the other side; and they therefore proposed to intrust the collection of rent-charges to the board of woods and forests for a period of seven years, and thereafter until Parliament should otherwise determine. The bill would likewise contain the provision for allowing a re-valuation of the present tithe composition in the cases, and under the limitations, specified in the bill of last year. Those limitations admitted only solid grievances, while they shut the door against all false and frivolous pretences. These were the arrangements to be enacted in regard to existing incumbents. In regard to the

future regulation of the church revenues, government felt that they could not abandon those declarations and principles with which they entered upon office; that they could not shake off the engagement under which they conceived themselves to stand, of doing justice to the Irish nation; and the terms of that virtual and most honourable compact they conceived to be, that if in the future disposition of the revenues of the Irish church something superfluous for its legitimate and becoming uses should arise, they should, after the satisfaction of all existing interests, apply that superfluity to the religious and moral education of the entire Irish people. In conformity with this principle, the government were anxious to obviate any just objections which might have been brought forward upon the last discussion of their measure against the mode of carrying their object into effect. They had every inclination to perfect and adjust the details of the bill, and would pay deference to suggestions from any quarter whatsoever, provided they adhered steadily and in good faith to its essential principles. He now felt that he might consider the principle as established and conceded, that Parliament had a right to deal with the revenues of the church, if it should think them superfluous for church purposes; because, so long as the resolution adopted by the present Parliament stood upon their books uncanceled and unrepealed, he had a perfect right to think that that principle was now admitted. In the bill of last year this purpose was sought to be effected by the suspension of the Protestant establishment in all the parishes

in which the members of the established church did not amount to fifty. This notion had encountered much opposition and reprobation; but the main portion of the arguments brought forward against the bill had not fallen so much within the line of suspended benefices as without it. Now, supposing that they were to leave out of view those parishes to which the principle of suspension did apply, and to look to those parishes to which it did not apply, there would still be churches without congregations, flocks without a pastor, and most extensive duties to be performed for most inadequate remuneration. It was therefore proposed, that on any future vacancy of a benefice, providing, as before, compensation for the patronage of private individuals in possession of the advowson, the lord-lieutenant should direct the board of ecclesiastical commissioners, now sitting in Dublin, to submit to the privy council, a report containing all the particulars relating to the vacant benefice, and a committee of the privy council would be established with a view to this especial purpose, consisting exclusively of members of the established church, and named by his majesty. To this committee all power would be intrusted for altering the boundaries of vacant benefices, subject to such modifications as subsequent vacancies of contiguous benefices might render advisable to be carried into effect. The power thus intrusted to the privy council was similar to that which they now possessed of dealing with unions. Since the year 1718, to the present time, the lord-lieutenant and the privy council had united

289 parishes into 94. benefices, consisting of the union of two or more parishes. The committee, after fixing the boundaries, were to apportion such income as they might think proper relative to the duties of the future incumbent, but within certain limitations. In the case of all the benefices described in the report of the commissioners of public instruction made last year, or in the evidence of other public documents connected with that report, of which the amount of members of the established church should vary from 50 to 500, the income of the clergyman would not exceed 200*l*. Where the number of members of the established church varied from 500 to 1,000, the income would be 300*l*. When the number of Protestants varied from 1,000 to 3,000, the income would not exceed 400*l*. Where the number of Protestants amounted to 3,000, and upwards, which proportion would chiefly apply to cities, wherein the burden and amount of duty was probably greater, and the expenses of living larger, the income would be raised to 500*l*. Wherever the number of members of the established church was below 50, it was proposed to assign to the incumbent an income not exceeding 100*l*., thus not suppressing any one benefice in any part of Ireland, and paying the clergyman of even the smallest number in proportion to the labour required.

His lordship then proceeded to shew, that after thus providing for the Protestant establishment, there would still be a considerable surplus of ecclesiastical revenue. The tithes, he said, payable to the parochial clergy, might be fairly stated at present to be 511,000*l*.,

which, remitting 30 per cent., left a rent-charge of 353,000*l.* The ministers' money might be put down at 10,000*l.*, without the expenses of collection; the private bounty fund, 5,000*l.*; glebe lands, 92,000*l.*, which, after deducting 5,500*l.* for rents, left 86,500*l.*; total 459,550*l.* There were 1,385 benefices in Ireland. A considerable number of the benefices were mere sinecures, not merely from the circumstance of having no members of the church of England within their locality, but they were in the hands of dignitaries of the church, and little or no service was performed in them. There was also a considerable number of presentations which had been suppressed by the Church Temporalities Act, divine service not having been performed in them during the three preceding years. The number, which he calculated it would be found necessary to keep up, was 1,250. Under this bill, it was intended to give power to the privy council to constitute new benefices in Ireland, of which they were likely to avail themselves to some extent. In the computations which he had made, he had classed the proportions at the highest rate:—for 129 benefices, containing a number of members of the established church less than 50, the charge, at the rate of 100*l.* per annum, would be 12,900*l.*; for 670 benefices, wherein the protestants varied from 50 to 500 in number, the amount, at 200*l.* a-year, would be 134,000*l.*; for 209 benefices, where they varied from 500 to 1,000, at 300*l.* a-year, 62,700*l.*; for 188 benefices, varying from 1,000 to 3,000 members of the establishment, at 400*l.*, the charge would be 75,200*l.*; for 54 benefices, containing 3,000 Protestants and upwards, at 500*l.* a-year each

benefice, it would be 27,000*l.* Then, besides the income which he proposed to allow to the future incumbent, the committee of the privy council would be empowered to assign to each clergyman a certain amount of glebe, not exceeding 30 statute acres of land. It was also proposed, where the number of the members of the established church exceeded 1,000, to empower the committee of the privy council to appoint one or more curates, at a salary of 75*l.* each per annum from the public funds, on condition that the incumbent made up 25*l.* more. This, according to his calculation, would create a charge of 18,150*l.* more. The whole payment to be made to the clergy would be 361,928*l.* Now, the amount of the church revenues under the proposed plan was 459,550*l.*; the amount to be paid to the parochial clergy was 361,938*l.* leaving a surplus of 97,612*l.* This was a much greater surplus than he hoped for last year; but as the committee of the privy council would, in certain cases, have the power to constitute new benefices, this surplus would be likely to undergo some alteration. It must also be remembered, that no part of the surplus could be expected to be realised for some time to come, from the necessity of satisfying vested interests, and of making other important arrangements. But after satisfying all the charges that must be met, it was proposed, on precisely the same principle as that of the bill of last year, to have the remainder paid into the consolidated fund, upon which a charge of 50,000*l.* per annum was to be fixed, for the purpose of supplying religious and moral education to the people of Ireland.

Sir Robert Peel stated, that he

would not now enter into any discussion, or oppose the resolution, because it appeared to be so constructed, as to avoid any pledge in regard of principle, and rather with a view of enabling the government to bring in a bill founded on that resolution ; but he was not to be considered as pledged to any of the subordinate details of that bill, by not objecting now to the form of the resolution ; neither was he deprived of the power of reserving to himself the entire right of protesting against the details, if he saw fit to dissent from them. Lord Stanley, too, declared that he intended to maintain all the objections he had formerly urged against the principle of appropriation, as well as the means adopted to create a surplus. The whole plan was a mere attempt to manufacture an imaginary surplus, for the sake of clinging to the principle of appropriation, which assuredly would prevent the two houses of parliament from uniting in a settlement of the question. On the other hand, Mr. Sharman Crawford, member for Dundalk, gave notice, that, at a future stage of the proposed bill, he would move resolutions for the total abolition of all tithe whatever, and that no tithe ought to be paid by any man, for the maintenance of a religion to which he did not belong, and if supported by only two or three, he would still take the sense of the house on it.

The resolution having been agreed to, a bill founded upon it was brought in ; but the second reading of the bill was delayed by ministers till the 1st of June, apparently with the view of ascertaining, by the fate of the corporation bill, what hopes they could entertain for the success of their appropriation principle. In

the meantime Lord Stanley, had given notice that, on the motion for the second reading of the government bill, he would move as an amendment for leave to bring in a bill which would serve all the practical purposes of the former, and give no countenance to the principle of appropriation. Lord John Russell said that he would not oppose the mere introduction of such a bill as a substantive measure, but he would oppose its being moved as an amendment on the government bill, because to concede that amendment, would be an abandonment of the principle of appropriation. Lord Stanley then proposed that, as the government was not to oppose the introduction of his bill, the second reading of their own bill should be postponed till his bill had been brought in and printed, so that the rival measures might be together before the House, and be debated side by side. Ministers would not consent to this ; and therefore when they moved the second reading of their own bill on the 1st of June, lord Stanley moved his amendment, " that leave be given to bring in a bill for the conversion of tithe into a rent charge, and for the redemption thereof, and for the better distribution of ecclesiastical revenues in Ireland."

In moving his Amendment Lord Stanley observed that he could not take the course followed by Sir R. Peel in regard to the bill of last session by moving an instruction to the committee to leave out the objectionable clauses ; because ministers had so contrived to mix up with every portion of the bill the objectionable principle to which they (the Opposition) could not and would not consent, and had

so encumbered the principle, vicious enough in itself, with such numerous faults in detail, that it became impossible to separate the two portions of the bill in the way attempted last year. Besides, ministers had declared that they must not amend the bill, and that the government would not accept that which the united legislature was ready to give. Under these circumstances it became his duty, knowing the nature of the course which the government had announced its determination to pursue, to appeal from that government to the House of Commons, and to the reason and moderation of the people of England; to state what they (the opposition) were prepared to do; and frankly dealing with grievances which they frankly acknowledged to exist, to declare that they were ready and willing to go thus far and no further. His lordship then stated that, so far as concerned the great grievances of the tithe-payers, the Tithe Composition Act had entirely removed them. That Act laid down the principle, that the payment of tithe should cease and be abolished; that it no longer should be raised as a tax on the industry and capital of the occupying tenant, but that it should be converted into a rent-charge; that the rent-charge should be a fixed payment—at least only varying with the price of corn; and that it should be paid, not by the occupying tenant, but by the landlord, a proportionate reduction from the amount of the tithe payment being made in favour of the landlord, who took the benefit of that act, in consideration of the new responsibility to which he was subjected. Thus all complaints about tithes being a tax on

industry—of the oppression of the tithe-proctors—of the collisions between the clergy and the peasantry, might have been completely and effectually removed, had the Tithe Composition Act been carried into immediate operation. In the bill now proposed by the Government, the enactments with regard to the money to be paid by the tithe-payers were not different from those contained in the bill to which he had alluded, excepting that, in consideration of the charge being immediately thrown on the shoulders of the landlords instead of the expiration of the existing leases being waited for, they received, and he did not object to the arrangement, the benefit of an increased reduction in the amount of tithe which they were bound to pay. But it unfortunately happened that in the decision of this question interests of different parties were brought to bear; all these parties, for the support of their own particular views, combined together, and declared that one part of the bill should not pass into law without the other, thereby impeding and preventing the settlement of the whole or any part of the question. And most unfortunately for Ireland, and for the well being of the empire, ministers, in order to serve, not a national purpose, but a party political purpose, had allowed themselves to be burthened with what they called a principle of appropriation, which they admitted was to have no practical effect, and which they knew, nevertheless, would prevent the settlement of the tithe question in a practically useful shape. Who were the parties interested in this question? Plain it was that the Irish landlords and tenants had no interest

except in the reduction which might be made in the payment for tithes, and the quarter where the burden of the payment should be laid: thus they had no interest except in the first part of the bill, which all were willing and desirous to make law, but of which government said that it would not be allowed to become law, unless it were accompanied by the appropriation provisions, in which neither tenant nor landlord had any real interest. Those, too, might be said to have an interest in the matter, who spoke of the importance of having 50,000*l.* for the education of the people of Ireland; but that interest had nothing to do with the present question, whether this 50,000*l.* should be screwed out of the revenues of the church, because there was no man in the house, who would not cheerfully vote the money from the revenues of the state. To the tithe-payers it was a matter of no importance, whether this clergyman was overpaid and that other clergyman was underpaid. They were interested in the amount which they might have to pay, but they had no pecuniary interest in its distribution, and they would not be benefitted one farthing, whether the church were defrauded of 50,000*l.* or of 500,000*l.* But between the church and the state the case was very different. The state was deeply interested both in the amount and distribution of ecclesiastical revenues, and in insuring to the ministers of her church in Ireland a maintenance equally removed from luxurious affluence on the one hand, and from sordid poverty on the other. Now, was it true that the revenues of the Irish church were more than sufficient to accomplish these ob-

jects? Was its wealth so great, that, besides being able to make a full provision for its own purposes, it had large sums to bestow upon others? Ministers stated the revenue, including all its branches, at 459,000*l.* The number of benefices was 1,385, giving the incumbents an average income of 255*l.*; and was any man in the house prepared to say that this was an extravagant allowance for a man of education and attainments, with a family to support? The very lowest sum, which they could adopt with any regard to decency, was 300*l.* a-year, and, on that footing, the whole of the church funds would not yield more than a decent maintenance for its ministers. By the bill now before the House, there would be upwards of 1,000 clergymen doing duty in Ireland on incomes below 300*l.*; nay, there were 793 of them whose incomes would be below 200*l.*, and 129 of them would be starved down to 120*l.* a-year. Take the number of benefices at 1250. Suppose that the incomes of the clergy were to be thus arranged:—That 50 of the clergy, with the cure of above 3,000 Protestants, should receive 500*l.*, the highest amount to which the most ambitious could ever be allowed to reach—that 400, with the next average amount of Protestants under their spiritual care, should receive 400*l.* a-year each, and the 800 remaining 300*l.* a-year. The consequence was, that, after deducting payments for curates, the whole income from tithe and glebe would be absorbed, without leaving any surplus. Or take it that the number of clergymen would be equal to the number of benefices—that was, 1,380; and let there be 80 with 500*l.* a-year, 400 with 400*l.*

and 900 with 300*l.*, and there would then be an excess beyond the present amount of tithe and glebe of 30,000*l.* a-year. What, then would become of the surplus? When he mentioned these amounts of income, he should add, that even the lowest, those who had an income of 120*l.* or 100*l.*, were subject to a deduction of  $2\frac{1}{2}$  per cent.—for what reason he could not tell. The higher incomes were taxed under the Church Temporalities Bill; but now taxation was enforced down to the very zero of reduction.

Look next, said lord Stanley, at the average number of Protestants in each benefice. The number of Protestants, connected with the established church in Ireland, was 852,000. If the benefices were taken at 1,250, the average number of Protestants in each would be 700; the extent of each benefice would be about 10,000 acres, or within a fraction of fifteen square miles; the average income of each clergyman from tithe and glebe would be about 350*l.* Take the benefices at 1,385, the average number of Protestants in each would be 615; the extent of each benefice would be 8,664 acres, or between thirteen and fourteen square miles, and the average income of the clergyman about 317*l.* from tithe and glebe. Ministers always referred to a few selected cases of small Protestant congregations, the clergyman of which enjoyed a considerable income. Even if these exceptions existed, it would be a reason for better distribution, but could never be a reason for positive diminution, because the cases were far more abundant in which Protestant clergymen, having the charge of a large Protestant population, were

miserably underpaid. In the benefice of Innis, in the diocese of Clogher, the number of Protestants was 3,756; its extent was twenty-one miles by three; the duty was performed by four clergymen, in one church, and two chapels, and the joint income of all of them, making no allowance for the expense of collection, was only 500*l.* The united parishes of Clanguish and Killoe contained 1,518 Protestants, in a territory sixteen miles by eleven; it had three clergymen, and their united incomes were 996*l.* The benefice of Granard consisted of five parishes, containing 2,231 Protestants; the duty was done by six clergymen, and the whole income was 1,360*l.* In the diocese of Meath, was the benefice of Fircal, twenty-two miles long, and varying in breadth from five to seven miles, containing a Protestant population of 1,289 persons. The benefice contained six parishes; the duty was done by six clergymen; and their joint incomes amounted to 385*l.* a-year. In the arch-diocese of Armagh was the benefice of Termonnaguish, containing 1,722 Protestants. Its extent was eleven miles by ten; it had three clergymen and two chapels, and its revenues were 800*l.* In the diocese of Derry, was the benefice of Ardstraw, fifteen miles long by ten broad, and containing no fewer than 3,658 Protestants. There were two clergymen, one church, and two chapels, and the revenue was 1,094*l.* Ireland was covered with examples of the same kind—places in which no reasonable man could deny that the Protestant clergymen were underpaid, where there was a glaring and acknowledged deficiency of income requiring to be

supplied, and which, when supplied by a proper distribution of the ecclesiastical revenues, would put an end to every idea of a surplus.

In so far as the bill now before the house went to provide for the collection of the income of the church, he saw no reason to differ from it. He thought it most expedient that it should not be collected by the clergymen themselves, and that a sacrifice might fairly be made in order to have it collected by the commissioners of land revenue. He would have no objection, therefore, that, besides the general reduction of twenty-five per cent., there should be a farther deduction of two and a-half per cent. as an allowance to these commissioners for the expense of collection. But there was one provision, of the very first importance, which had been dropped out of this bill, he did not know why—the provision for allowing the rent-charge to be redeemed. This was a matter of most vital importance for securing a settlement of the question. It had formed a prominent part of the bill introduced by lord Grey's government; and lord Wellesley, as lord-lieutenant, had expressed a strong opinion that this redemption was the chief thing to be aimed at. He proposed, therefore, to introduce provisions for the redemption of the rent charge, into which the tithe was to be commuted. He was perfectly aware that this was a matter attended with considerable difficulty, but that a thing was difficult was no reason why it should not be done. Looking at the difference in the value of land in the northern and southern parts of Ireland, and the difference between an investment in public securities, and an investment in

land, whether in the north or the south, he was satisfied that no fixed amount could be prescribed as the standard of redemption. No fixed number of years' purchase could be selected without doing injustice to the incumbent in some cases, and to the landlord in others. Supposing a rent-charge of seventy-two and a-half per cent., to be bought at twenty years' purchase, the price might be invested in many parts of Ireland, in lands which would yield an equivalent return; but the same investment, in other parts of the land, would yield the incumbent only forty-nine or fifty per cent. instead of seventy-two. His proposition would be, to give the ecclesiastical commissioners power to enter into an agreement with the landlord, whether for land or money, imposing no restriction with regard to a maximum or minimum, enabling them to make an exchange, partly, it might be, for land, and partly for money, and to carry the transaction into effect, either immediately, by an arrangement formed to meet existing circumstances, or contingently on the death of the present incumbent; for in no event ought the existing incumbent to be exposed even to the risk of obtaining less than the seventy-two and a-half per cent.

Lord Stanley farther urged, that one of the greatest faults of the government bill was the enormous and irresponsible power which it conferred on the officers of government. The lord-lieutenant, indeed, had not much to do; but the secretary of state, and the chief commissioners of land revenues, had immense power. The latter was authorised to order revision of compositions, and to recommend

applotments ; and if any person were behind-hand in the payment of his tithes, he had the monstrous power of punishing him, at his good will and pleasure, by charging interest, or of indulging him by charging none. What room for plotting and favouritism was here ! Such a power, placed as it ultimately would be, in the hands of a cabinet minister, would become a mere engine for political purposes. Through the secretary of state, again, the limits of benefices were to be fixed, the spiritual superintendence of flocks to be provided for, and the amount of remuneration to be settled. That functionary was, in fact, to have entire and absolute control over the property, duty, and labour of every minister of the established church. Would the house entrust the absolute control over the spiritual interests of the Protestants of Ireland to any secretary of state under any government ? This power, again, was conferred for a very plain purpose, viz., that the government might have the means of creating that surplus which they could not find, but which they were determined to have, even though churches were tumbling down, and benefices, for want of funds, were not attended to. The government plan was this—that 129 benefices should have an income not exceeding 100*l.*; that there should be 670 not exceeding 200*l.*; 209 not exceeding 300*l.*; 188 not exceeding 400*l.*; and fifty-four at 500*l.* No clergyman was to receive more than 500*l.*, except in towns. Now he objected to such a rate being laid down, as that no clergyman in a country parish, under any circumstances, should receive more than 500*l.*: it was not consistent with

any part of our laws in church or state ; it did not harmonise with any part of our policy, civil or ecclesiastical. The incomes of the bishops, which were fixed at from 4,000*l.* to 6,000*l.*, were to remain ; and yet between these and the next rank of parochial clergy, there was to be no instance of a stipend exceeding 500*l.* This left a gap destructive of the whole order and harmony of the system, and introduced a principle of equalisation unjust in itself, inconsistent in its application, and mischievous in its operation. Even where the clergy were reduced in number in the manner now proposed, the revenues would only afford a minimum of 178*l.* and a maximum of 578*l.* These incomes would leave no surplus ; government was compelled to create one by reducing them in this mean and pitiful manner. It was assumed that the surplus thus created would be 97,000*l.* ; but even this was not to be applied to the purposes of local religious education. To that purpose, indeed, 50,000*l.* was to be devoted, but the remaining 47,000*l.* was to go to the consolidated fund. The measure went farther. It gave to the secretary of state, acting through his creatures and puppets in the ecclesiastical committee, a power of reducing still farther the incomes of the clergy, till a surplus was created for state purposes, which would be effected by assigning to every clergyman the minimum allowed by law. Neither was it rendered imperative to apply the glebes to ecclesiastical purposes. These were valued at 86,500*l.* a year ; it was provided carefully, that not more than about 30,000*l.* of this sum should be applied to such purposes, but even this was not necessary to be so applied. How

was the rest of the sum to be disposed of? The commissioners of land revenue were to have the power of dealing with this property, of letting it out on any terms, and of demising it for any period. Was any portion of it to be given for the support of the Catholic clergy? Was the property of glebe lands, taken from the church of England, to be given to the church of Rome? At all events, the secretary of state had the power of altogether refusing glebes, and of appointing no curates in any place; he had the power of decreasing the incomes of the benefices; he had a power of creating a surplus of 330,000*l.*; and this sum, with a reservation of 50,000*l.* for the purposes of education, was to be handed over to the consolidated fund for the use of the state. This was a principle to which he never would consent. It was dangerous in itself; it held out a temptation to political dishonesty and parliamentary corruption, and deprived the church of its liberty, by making it dependent on the will of the secretary of state. Government, after making itself the trustee of the church, was thus to become its residuary legatee; holding a contingent surplus for every man to draw upon, who might wish to repeal a tax or reduce a burden. The chancellor of the exchequer would no longer be able to say to the men of the pressure-from-without, clamouring, for instance, that the tax on newspapers should be taken off, that he had no surplus, and could not afford it. Their answer would be, you have given the clergy too much; you have lavishly and extravagantly given them the maximum. The Act of Parliament allows you to give them the minimum; that

is sufficient for these bloated parsons. You will thereby have a surplus of nearly 200,000*l.* Put that into your budget, and take off the stamps.

But it was said, that the house was tied down by its former resolution. Tied down to what? Not to create a surplus at all risks. The plain meaning of the resolution, so unfortunately adopted in 1835, was, that parliament was pledged to make due provision for all the wants of the Protestant establishment in Ireland, before a single shilling of its revenues could be applied to any other purpose. It was admitted that the perpetuity fund was bankrupt; it was demonstrated, that, from the nature of the demands upon it, it would be getting deeper and deeper into debt every year: and the ecclesiastical commissioners had already reported, that numerous applications had been made to them for Protestant accommodation; and that, too, by persons who were willing to contribute part of the expenses, but which the commissioners could not concede, however urgent were the cases, because they had no available funds. Were then the funds still left to the church sufficient, or more than sufficient for its wants? Government stated the tithes at 353,000*l.*, glebes at 86,000*l.*, ministers' money at 10,000*l.*, making in all 459,000*l.* What sum would this give to the Irish clergy, supposing they were all to be made alike? As the number of benefices was 1,385, the average income would be 300*l.* Was any man prepared to assert, that, for a gentleman of education and high attainments, and having likewise a family to maintain, this was an absurd and extravagant allowance? Was it not rather the very

minimum to which they could go in the scale of remuneration. The clergyman had not only to maintain his family, to assist others, and to live as became a gentleman in his station ; but he had likewise to look to some provision for those whom he was to leave behind him ; and how would any gentleman feel, if he were similarly circumstanced, particularly in a large town, with no greater an allowance than 300*l.* a-year. Even this moderate sum could not be given, unless all were dealt with alike ; and that principle of equality was one which it was impossible to maintain. Assuming that government did not mean to object to there being a clergyman at every place of divine worship connected with the established church, the average income would be under 300*l.* ; and if they were limited to the number of benefices, they would rise very little above it. But besides the churches and chapels already existing, there were many new ones in progress ; and when each of them was provided with a clergyman, the average income would be greatly lower. Yet by the provisions of the present measure, 1,009 clergymen were to do duty on incomes of less than 300*l.*, of whom 793 were to have incomes of less than 200*l.*, while 129 others were to be starved down to 120*l.*

But they were farther told, that the measure, however cruel, unjust, and impolitic it might be, would be final. What rational man believed that ? Had there been a single petition praying for it as a final measure ? And how many had been brought in from the supporters of Government, declaring that there would be no settlement, no peace, no tranquillity, without a final and total abolition of tithes.

That was the object distinctly avowed by the majority of those who supported government in this very proposal ; and whom it was in vain to attempt to satisfy, while any portion of their demands remained unconceded. But what was more, the arrangement proposed under this measure, which was to be so final and satisfactory, was to cease at the expiration of seven years, when they would be brought back to the same state in which they were at present. Under the provision of the bill, too, the reduction of the two-and-a-half per cent., for the expenses of collection, was to be permanent ; but the assistance given by the commissioners of land-revenue was to terminate in seven years ; and it was remarkable, that this provision had been introduced since the bill of last year. Under that bill it was provided, that the rent-charges should be conveyed to these commissioners, under the control of the crown. The present measure vested the rent-charges in his Majesty, for the purposes therein-mentioned ; but it was provided, that the enactment, in regard to the rent-charges, should continue till November 1843, and afterwards, until parliament should otherwise direct. And this was to be the final measure, containing, as it did, a special provision that, at the end of seven years, parliament should be invited to reconsider the arrangement.

His lordship then stated his own views of what should be done, and the leading provisions of the measure which he would propose, for the redemption of the rent-charge, and a better distribution of the revenues of the church, in order to remove glaring inequalities and abuses. The first thing

to be attended to was, the state of the town parishes. If the clergymen of the towns were to depend on the revenues derived from these benefices, none of the Irish clergy would be in a worse situation, while they had the most important duties to perform. For many of them there was, at present, little or no provision, and consequently an abuse, though a necessary abuse, had crept in, viz., that a country parish, where the duties were less arduous, and the revenue considerable, was not unfrequently combined with the benefices in towns. He desired to get rid of this practice; but, in order to effect this, that portion of the clergy must have a reasonable and moderate income. There were many cases where clergymen had the superintendence of large districts in towns, with a gross income not exceeding 400*l.*, without a glebe-house, and were compelled to encounter the expense, not only of living in a large town, but of providing a residence, with a population of 10,000 or 12,000, or even more, committed to their charge. The town of Belfast was comprehended in a single parish. It contained 17,942 members of the established church, according to the report of the commissioners, with a parochial income to the incumbent of just 300*l.* Another small benefice was the archdeaconry of Dublin, with the parishes of St. Peter and St. Kevin, containing 10,114 members of the established church, and including also the perpetual curacies of Rathfarnham, with 890 members of that church, St. Mary's, Donnybrook, with 3,536, and Tarney, with 1,059, making a total of 15,599. In this one benefice there were sixteen clergymen with eleven

churches. All would admit the necessity of providing a decent income for all clergymen thus situated. He proposed, in the first instance, that the ecclesiastical commissioners should be instructed to inquire into the state of the clergy in cities and towns, and to report immediately on the total number, on the nature and extent of their spiritual duties; the number of curates employed; whether adequate glebe-houses existed, whether adequate accommodation was provided for the population in churches and chapels; on the amount of net revenue, and the sources from which it was derived; whether from tithes, ministers' money, or parochial benefices attached to them; and whether, by any alteration of the limits, greater facility might not be given for the discharge of the spiritual duties, and a more adequate remuneration to the incumbent. He proposed, in the next place, that the commissioners should lay this report before the privy council, with their opinion on those cases which most required augmentation of income, increased church accommodation, or a subdivision of parishes; that a similar list should be made out of the parochial benefices which yield a less income than 50*l.*, and up to 300*l.*; and that there should be a specification of the cases, with reference to increase of income, the nature of the duty performed, and the augmentation or subdivision of the benefices. On the demise of any incumbent of a benefice, with an income not exceeding 500*l.*, and a population of not more than 100, the commissioners should make a report on the spiritual duties attached to it; its extent, income, and population; the state of the glebe-house and church, and

the propriety of annexing it to any adjoining parish, subject to a limitation consequent on the element of space which he introduced, that it should not contain an area of more than thirty square miles. The commissioners should be empowered, in cases where the income did not exceed 500*l.*, nor the population 100, to recommend a reduction of revenue to 300*l.*, the sum which had been fixed by the Church Temporalities Act, as the point at which taxation of benefices ought to commence. As to the application of the difference between the income now derived from the benefice, and the funds which would ultimately be left to it, he proposed that that balance should be applied, in the first instance, to the raising of a sum, for the purpose of erecting a glebe-house upon the benefice, if there was not one upon it already. In a small parish, he considered the building of a glebe-house, which would render the residence of the clergyman among his flock indispensable, as a point more primary and more important even than the building of a church itself. If the circumstances of a parish required it—if there was a congregation which rendered the building of a church necessary—and if the income of the parish was insufficient to meet the expense of building a church for the accommodation of that congregation, he proposed that any surplus which should remain, after glebe-houses were built in all the parishes which wanted them, should be applied to the building of such churches. But beyond these local demands, which he considered to have the first claim upon the House, he proposed that the surplus of all benefices which should ultimately be reduced, but never

below the amount of 300*l.* a-year, should be placed at the disposal of a general board of commissioners, to be applied to the augmentation of those small livings which required it. This augmentation would be restricted to a maximum of 300*l.*, unless the benefice were in a town. On the one hand, no small benefice would be augmented beyond, and no rich one would be reduced below 300*l.* If there should be any parish above forty square miles in extent, and containing more than 1,000 persons in connexion with the church of England, he proposed to allow the commissioners to divide that parish, provided they did not augment the income of the clergyman appointed to each division beyond 300*l.* a-year for each individual clergyman. He thought that if a parish required division, the income of the clergyman appointed to each division should be 300*l.* a-year. He infinitely preferred dividing a large parish among clergymen, each enjoying 300*l.* a-year, to leaving it as a single living, with a large income to a single clergyman. He further proposed, with regard to town parishes, that when the requisite funds should be at the disposal of the commissioners, those benefices should be augmented which had an income below 400*l.* or 500*l.* a-year. Such benefices had the first claim upon the surplus fund; and, if any surplus should be found to exist, to such benefices it ought to be applied.

When all this is done, continued his lordship, have I shown any disposition to maintain a luxurious and overgrown church establishment? Have I not expressed a desire to meet fairly every case where, apparently, there is an ex-

cess of income—where, apparently, there is too small a Protestant population—and where, apparently, there are too small duties for each clergyman to perform? But I should have been ashamed of myself if, putting the case so, I had looked at that view of it alone, and had not looked at the other interests—I mean the interests both of the Protestant parishioners and of the Protestant clergymen in Ireland. I implore, therefore, his majesty's government to recede from that position to which, most unwisely, and on the most false premises, they have bound themselves and the house along with them. If they wish to get rid of the glaring discrepancies now distracting society—if they wish to put an end to the collisions now occurring so unfortunately and so frequently in the collection of ecclesiastical revenues in Ireland—if they think that the settlement of this question can be achieved by doing what is right and just, and reasonable, and moderate, in the way of concession—I entreat them to hesitate before refusing me the means of introducing to their consideration the measure which I now propose to lay before them, and which will, I have reason to believe, meet the concurrence of those who never can, and never will, concur in the abstract principle of the bill at present before the house. Let them only reflect how much they can obtain by this proposition—how much is fairly and frankly proffered to them—how much of real defect is corrected—how much of substantial justice is accomplished—how much of peace and tranquillity is restored to Ireland—and how much of that

harmony, which formerly existed between this and the other house of parliament, and which recent events have tended to disturb, is likely to be derived from assenting to my motion. I call upon them to consider, whether,—for the sake of a principle, which, if they can apply at all, they can only apply in an infinitely insignificant degree, which they will never be able to carry into effect, and which, if insisted on, mars all probability of coming to a settlement on this question,—whether, in grasping at a shadow, they can feel themselves justified in abandoning a substance which fairly, frankly, and cordially, without reserve, equivocation, or hesitation, I may venture to say, on the part of the church, I am now empowered to offer them.

Lord John Russell reminded the house, that he had expressed his willingness to allow lord Stanley to bring in his bill as a substantive measure; but when it was now moved as an amendment on the original motion before them, it was merely a new form of opposing the second reading of the government bill, and raising the question on the principle of that bill. They had been appealed to as gentlemen; but he hoped they were something more—that they were representatives of popular feelings, and popular interests—representatives, not of local bodies, but of all the people of the empire, including that outlawed portion of the people, the six millions of Roman Catholics in Ireland. They had been told, too, that they ought not to overlook the interests of the children of the Irish clergy, and had been reminded how painful a consideration it must be to a clergyman

that his income would not enable him to provide for his children after his death. But were there not other persons, the Roman Catholic people of Ireland, who were also compelled to consider what was due to their children and families, and might ask what advantage they derived from the expenditure of this 400,000*l.* levied annually from their pockets? He was not prepared to say that the doctrine that the established church ought to be that of the majority, ought to be carried out to its full extent in Ireland. He had no intention of so carrying it out; but he maintained that the interests of the great body of the people ought not to be disregarded. The duty of the state was, not to select and support that creed only which the legislature or other supreme authority considered founded on truth, but to provide means for inculcating the principles of morality and religion among the great body of the people. If we were to found a church establishment on another doctrine, we should find ourselves spreading through Hindostan the religion of the church of England; we should find ourselves spreading, among the Catholics of Canada, and among the members of various other religious persuasions distributed through our different colonial dependencies, that one form of the church of England, and insisting upon them all displaying conformity to it. Now, it was impossible that we could set up any such absurd pretension. Therefore it was, that the present bill, like that of last year, proceeded on the principle, that while you preserved to the Protestant church of Ireland what was necessary for the spiritual

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instruction and consolation of the Protestants of Ireland, any surplus derived from the revenues of that church, beyond the amount necessary for that spiritual instruction, was to be applied to the religious and moral instruction of the great majority of the population of that country—that you were not to consider that great majority as mere blanks in your empire—that you were to provide them, not with a church establishment according to their peculiar mode of faith, but with a system of sound, moral, and religious education, and to make that part and parcel of your ecclesiastical establishment.

The scale of income provided by the bill was, his lordship maintained, a liberal one. It afforded an income of 290*l.* a-year for each benefice. But if, he were to take out of this calculation the benefices where there were more than fifty, and less than 500 Protestants, and also the benefices containing less than fifty Protestants, the whole amount of income would give an average of about 411*l.* as the income of each benefice. How stood matters in England? The ecclesiastical commissioners had reported “that there are no less than 3,528 benefices under 150*l.* per annum. Of this number, 13 contain each a population of more than 10,000; 51, a population of from 5,000 to 10,000; 251 a population of between 2,000 and 5,000 and 1,125 had each a population of between 500 and 2,000.” Thus, there were 1,440 benefices in this country, each containing an average of about 500 persons, in which the incumbents all received an income under 150*l.* a-year, and the average income of those benefices

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would be somewhere between 100*l.* and 120*l.* a-year. Therefore we had in England 1,440 benefices, containing a population of 750,000 persons, in which the average income of the clergyman did not exceed 120*l.* a-year. Government proposed, that, in all benefices in Ireland containing more than 500 Protestants, an average income of 411*l.* a-year should be given to the incumbent. When, therefore, members were shocked at the penury in which ministers left the clergy of the church of Ireland, what did they think of the penury in which the clergy of the church of England were left? The church of England, too, was the church of the majority of the people; its clergy were men daily and hourly performing their duty to their flocks, and rendering them services which they received with thankfulness, respect, and veneration; and when an average income of 400*l.* a-year was given to the clergy of the church of Ireland, it was given in parishes where there might be 500 Protestants, but where there were also 1,000, or 2,000, or it might be 3,000 persons of a different creed, to whom the religious instruction of the Protestant pastor was not extended, and by whom, if professed, it would be refused. With respect to those parishes where there were less than fifty resident Protestants, he admitted that the sum of 100*l.* a-year assigned to the clergyman was but a small income; but it was an income larger than that enjoyed by many curates in the church at present. To say nothing of the glebe, it was one-fourth larger than the salary which was sometimes given to the curates of two parishes from which the rectors drew from

1,200*l.* to 1,500*l.* Besides, an Act of Parliament, the 7th and 8th of Geo. IV., passed in the orthodox year 1827, before Roman Catholics had any seat in that house, contained a provision that where there was any parish or parishes impropriate belonging to an archbishopric or bishopric, the archbishop or bishop might unite those parishes with any other benefices, provided always that the income of the benefices so united did not exceed 100*l.* a-year. The reproach, then, of leaving the clergy of the Protestant church of Ireland to starve on 100*l.* a-year was a reproach, which, if it lay at the doors of the present ministers, also lay at the doors of those who framed the act of 1827, and who thought that in framing it they were conferring a benefit on the church of Ireland.

To lord Stanley's objection, that the bill contained machinery for creating a much larger surplus than the 50,000*l.* a year for education, and that the balance was to go to the consolidated fund for state purposes, lord John Russell answered, that as 50,000*l.* a year was to be advanced immediately out of the consolidated fund for the purposes of education, it would be some time before there would be more than a few hundreds a year in the hands of the commissioners applicable to the purposes of the bill, and very long indeed before 50,000*l.* appropriated by them, could be repaid by any surplus that might accrue. It was likewise to be considered that another purpose to which that surplus, if there were any funds in the hands of the commissioners, would be applicable, was the compensation to be made to those now possessing advowsons who were

willing to give them up to the patronage of the crown. At all events, the purposes for which the surplus was intended—the devoting a part of the ecclesiastical income to the moral and religious education of the people—being satisfied, it would be very long indeed before any additional fund accrued, to call hereafter for the appropriation of Parliament. It had been asked, whether he meant the income of glebe lands generally, or in part, to go towards giving glebe to the Roman Catholic Church? To that distinct question he gave a distinct answer in the negative. Government had no intention whatever of providing out of any surplus of glebe lands in Ireland, glebe lands for the Roman Catholic church. The bill stood precisely on the principles of last year—the principles of preserving what was required for the maintenance of the Protestant ministers of the church, and devoting the surplus to the general education of the people, without distinction of religious persuasion.

The debate was continued by adjournment on the 2nd and 3rd of June; the ministerial measure being defended principally by lord Morpeth, Mr. Ward, Mr. Sheil, Mr. O'Connell, and the Chancellor of the Exchequer; and that of lord Stanley, by Sergeant Jackson, Sir James Graham, Mr. Lefroy, and Sir Robert Peel. Sir James Graham would not coincide in the general enunciation of lord John Russell's principle, that a church establishment did not exist for the propagation of a doctrine, but for the instruction, as it was called, of the people. If all religions were placed upon a footing, if there were no established creed, he was ready to admit that the

whole case would be different; but as there was an established religion in the country, that religion the government was bound to support and strengthen by every means in its power. If a state favoured a particular religion, it was bound to state broadly and openly what that religion was. A government could not escape from such an obligation; as every member of it was required to explain the principles he was to support, to throw aside all generalities upon the subject, and to particularize their nature and quality. Without going into the details of the bill, he objected strongly to the provisions for opening up compositions. Comparing the present price of grain with what it once was, and considering its bearings upon present compositions, it would be seen that a composition, securing, let it be supposed, an income of 1,000*l.*, might ultimately, by the operation of the different provisions of the bill, be reduced as low as 450*l.* It appeared to him that a power was to be given to the commissioners of breaking up all the ancient parochial divisions, and destroying all the old landmarks in Ireland; and he did not think that those ancient limits could safely be destroyed.

Mr. Sheil likewise declined going into the bills, and said he would confine himself to general principles, which consisted, however, in the oft-repeated declamations on themis-government of Ireland, and the necessity of doing justice. He would not say this measure would be carried now, but carried it must be. There were some questions which might be said to be inevitable, whose eventual completion and fulfilment must come to

pass. That was the case with the slave question: it was the case with Catholic emancipation: it was the case with reform. This measure could not but be carried also; whether for good or for ill, they could not help it: it was predestined to come to pass. The language of the opposition at present was, "No matter what may be the will of the people; no matter for the votes of the House of Commons, or the strength of the prerogative; we will not consent to the principle of appropriation." Were they not to regard the persons who took this tone as creating a convulsion, and bidding defiance to consequences that might be ruinous to the empire? No man, who opposed this bill, ought ever to have voted for Parliamentary Reform. Mr. Croker, who then filled the place now occupied by lord Stanley, had said over and over again, that the ruin of the Irish church would be the consequence of reform. Did his successor expect that the spirit of liberty would go no further? Did he think to draw a *cordon sanitaire* around the concessions which had been made, to prevent the spread of feelings inimical to abuses? No, when the English raised their voice against corruption, the Irish nation cried out against sinecurism; when England exclaimed, "Away with Gatton and Old Sarum," Ireland cried out, "Down with the institutions which nothing but Old Sarum and Gatton could sustain"—(Tremendous cheering from the opposition)—he owned they seized on the word "institutions;" they thought, perhaps, he ought to have said abuses, but he had again and again declared in that House that every Protes-

tant clergyman should be maintained. When Irish Parliamentary Reform was granted, the days of ecclesiastical abuses were numbered. It was true that the country, relying on the government, which had shown itself disposed to do justice, was in a state of comparative tranquillity: but how long would it remain so? The question would not bear delay; and if men acting not like British peers, but with insanity, should have the infatuation to place in one scale the privileges of their nobility against the rights of millions contained in the other, the people of this country would not be long in determining on which side the balance should preponderate.

Mr. D. W. Harvey, a radical and a dissenter, said that he could not vote for either of the measures. If he were an advocate of the established church, and if he sincerely believed in its importance, and Christian obligation, as binding upon civil institutions, he should not hesitate a moment in selecting the bill proposed by lord Stanley; but as he was convinced that Christianity was a spiritual principle, which not only had nothing to do with civil institutions, but that all alliance between it and the state was calculated to oppose its progress, to impede its efficacy, and to impair its power, and that this was the doctrine of that simple and sincere system of religion which breathed through the whole nature of Christian economy, he had always disclaimed, as prejudicial to its character and progress, the unhallowed connexion which existed in this country, and in every Christian country except one, between it and the state. It was said, indeed, that the govern-

ment measure would restore peace and good order in Ireland, and to secure such an advantage, no sacrifice would be too great. Not only, however, was the measure not calculated to produce that result, but if there was any sincerity in the minds of those most prominent amongst the present supporters of the bill, it was utterly impossible they could expect any such result to flow from it. As the Catholic religion was a religion ancient in history, the doctrines of which, however erroneous they might now be deemed, had been from the commencement to the present day (and it was the boast of those who professed them) invariably the same—it was utterly impossible, considering these points, to suppose that the Catholics could be satisfied with a measure which had for its avowed object the perpetuation of the Protestant religion. The tithe was to be converted into a rent-charge, and this was much, in so far as regarded agricultural economy; but the question was this, whether by this commutation they did not merely alter the name without changing the substance, and whether the same religious hostility to the payment of the rent-charge may not arise as there now existed against tithe itself? That statement had been made over and over again, and it had not been concealed, that a concession of this kind was not regarded as a permanent arrangement, but as an instalment. Now, he looked upon it as a petty system of legislation to be eternally talking of instalments. He feared at the end they should pay too much; indeed, he should not be surprised, if eventually interest should be demanded. If tithe in Ireland ought

to be abolished, as he maintained it ought, why should there be this tardy huxtering—this miserable contrivance—this suspicious course of proceeding? Why not at once come forward and boldly state, looking at the vast majority of the people on the side of the Catholic population, their general dislike to pay tithe, and their steady adherence to their ancient faith, that they should no longer be compelled to contribute to the support of a church, from the doctrines of which they dissented? Again, both bills agreed in diminishing the tithe, the one by thirty per cent, and the other by twenty, which was to be given to the landlords; thus not only taking from the church to give to another, but completing the diversion of tithe from its original purposes of devotion, to promote the moral and social condition of the people, by supporting the aged, and educating the children of the poor. The example would be contagious, and at no distant time a similar bill would be introduced for the benefit of English landlords. Another effect of either bill would be, that the consolidated fund would be burdened, ere long, with the payment of the whole stipend of the Irish church. Seventy pounds for every 100*l.* was to be paid in at the office of the Commissioners of Woods and Forests. The party or clergyman entitled to receive any portion of this money, on the 1st of January in each year, was to receive a certificate or draught on the Bank of Ireland for it; and if not paid on the 1st of February following, it was to bear interest. Now, suppose his anticipations were realised—suppose the wishes of the Catholic and the Dissenter were realised, and that

there would be precisely the same hostility—and he hoped, and was certain, there would be—to the payment of this rent-charge, what would be the result? For a year or so they might manage to soothe the troubled spirit of Ireland, and that serene state of spirit would be appealed to, perhaps, as evidence of the content of the people of Ireland; but if they should be content under such circumstances, then all they had heard of the wrong, of the misery, and of the seven years' suffering of Ireland, had been a delusion, and the appeals grounded upon them nothing but perverted passion. Would the Catholics, the Dissenters, and the Presbyterians, have no objection to pay for the support of the establishment, because they were called upon to pay the money, not as tithe, but in the more recommendatory form of rent-charge? There could not be a greater delusion. There would be the same agitation, the same public meetings, and the same organised force, against the payment of this rent charge, as there had been against the tithes. But then it would be said, "Look at the remedy: we now charge this rent-charge permanently upon the land; it is to take precedence of all other obligations, and there will be precisely the same power to enforce this right as there is to enforce any other right." He was not aware that the law was to be made more stringent than it was in regard to tithe; he believed the same law would exist, and the tithe-receiver would have the power to distrain on the landlord. But the same resistance to the payment would continue; in some instances the money would be paid; in more it would be withheld. While

this was going on, the clergyman would be getting the certificate, and the government would be under an engagement to pay it, and be liable, according to the law, up to the year 1843. Another consequence, not at all unlikely, was this—that while, on the one hand, England would have to maintain the Protestant clergy of Ireland out of the consolidated fund, the growing power of the Catholic party in that House might actually put the Catholic church in possession of that rent-charge. He trusted he should never live to see the day when the Catholic religion would be any thing else than the religion of a sect. He knew, but he looked on such intimations with great caution, that it was now the fashion of the leading Catholics, in and out of that House, to talk there and elsewhere as the advocates of the voluntary principle; but the Catholic religion was essentially an establishment; it was universal in its system, and it tolerated no other. It aimed at political ascendancy, and would hold it with as firm a grasp as the Protestant church. Beyond a doubt, a struggle was going on between Protestantism and Popery; and if this bill passed, the time was likely to arrive when they would see the revenues of the Church, in their new and improved form, resumed by the Catholics. Disapproving then of both measures, did he mean to leave things in Ireland as they were? Quite the reverse; and if the government wished to go to the people upon an intelligent and intelligible principle, which would invite all hearts to support them, and render their measure more popular than even the Reform Bill itself, it would be this—that while

they respected every interest in Ireland, and were determined to allow every person who was entitled to receive ecclesiastical revenues to enjoy them as long as they lived, but that from that day and for ever they would extinguish tithe, not giving up thirty per cent. to the landlords, but taking the whole and applying it to ameliorate the condition of the people, and to raise Ireland's starving millions from the dust, and give bread to the aged, and education to the young. After hearing the statements made in that House of the misery of the Irish people, statements made, too, to induce him to support this bill, he was compelled to ask what, in the name of Heaven, could the passing of this bill do to relieve Ireland's starving millions? They had been told that there were 2,000,000 of people in that fair land reduced to starvation, yet no one plan had been proposed for their relief. Let them act on the principle which he had stated; and such a plan, while it would be popular with the people, because most beneficial to them, would strengthen the government in the affections of the country at large.

Mr. O'Connell, apparently offended that a fellow-radical should venture to differ from him even upon this question, virulently attacked Mr. Harvey, as having sacrificed a matter involving great public interest to his own "miserable, little, spiteful resentments," and particularly repudiated his principle, that the Catholic church was essentially an established church. It was clear, he said, from known historical facts connected with the Catholic faith, that an establishment formed no necessary portion of that reli-

gion, and that where it was tolerated and perfectly free, and even supported in common with other persuasions, by the government, his church remained contented without an establishment; — witness Belgium, France — where all were supported alike — and, finally, Hungary. For his part, he totally and altogether repudiated the idea of an establishment. It was not in the least degree necessary to the Catholics, although certainly there had been periods in the history of the Christian world, when the existence of an establishment for the Catholic church had proved favourable to the liberties of the people. When their establishment was one not maintained under, but preserving its ascendancy over, the government, it then frequently stood forward as the representative of democracy, and spread its shield over the otherwise defenceless people. He abjured and repudiated the scheme of an establishment; for he should fear the loss to his religion of much of the power that he desired it to possess, if it became connected too closely with the state; it would by such a connexion lose much of its force, as against adverse creeds; it would lose much of its power over the human mind. Every great division of the empire ought to have an establishment of that religion which formed the religion of the majority, provided they desired to have it. The Scotch had their establishment. In England the episcopalian Protestants, being the majority, had their establishment; for though they were but 8,000,000, and the Dissenters 6,000,000, still they were the majority, and were therefore entitled to possess the establishment which

they desired ; but nothing of the sort was required for Ireland ; they repudiated all thought of an establishment for their religion, and sought only justice. If they were to dispose of the tithes so as to give to the Irish church only a part proportional to its numbers, they would keep one eighth for the Protestants, and give the remaining seven-eighths to the Catholics. Tithe was made up of labour, capital, and land. The labour was all Catholic, the capital was in a great degree Catholic, and no small proportion of the land was Catholic ; why, then, should the property of the Catholic be taken for Protestant purposes ? Yet the bill did not propose to deprive the church of the tithe ; it still left the Protestants in possession of all that they practically could require ; and even that which it took away, it did not propose to apply to any purposes exclusively Catholic. He warned them that the refusal of the present measure would only render the matter worse. The bill of 1834 gave the clergy 77*l.* 10*s.* per cent., and it contained no appropriation clause. If the lords had not thrown it out, the present chance of collision would have been avoided, and the clergy would probably have been satisfied. The next bill gave the clergy only 75*l.* per cent. ; and now there was a further reduction ; and yet the parties, who were accessory to these successive diminutions, called themselves the friends of the established church. They might talk of conciliation as they thought proper ; but this he would tell them, that what might have been accepted last year would not do now ; and what was more, even this bill would not have its effect, if it came

from the hands of a Tory government, and was to be administered by a Tory privy-council. Ireland had confidence in the good intentions and dispositions of the present government ; and this confidence had produced in Ireland a lull and a pause not of despair but of hope and reliance. If that confidence were removed, and that hope disappointed by the rejection of the present bill, who could contemplate, without horror, the blood, the slaughter, and the devastation which must ensue ?

Sir Robert Peel found it difficult to conceive how Mr. O'Connell, entertaining such sentiments, should be the advocate of a bill, which withheld by far the greater part of the tithe from the Catholics, as he said, to serve Protestant purposes, and which, therefore retained by far the greater part, or rather of all the evils which he denounced. Under the bill, a sum of nearly 400,000*l.* was to be annually paid to the parochial clergy of Ireland, and the tithes were to be commuted into a rent charge, payable primarily by the possessor of the first estate of inheritance, and afterwards by the occupying tenant — payable, in fact, by the peasantry. This was the measure which received the support of a member who declared that he was adverse to religious establishments of every description ; and a man who professed himself the protector of the peasantry, sanctioned provisions which immediately rendered them liable for the whole tithe. He professed to be an advocate for the voluntary principle, and yet he would pay the clergy out of the consolidated fund. He threatened the house with the prospects of the ensuing

winter, rendered alarming by the continued existence of tithes ; and he himself was a strenuous advocate for that continuance, in a manner unconnected with any proposition for the remotest means of redemption. After contending warmly for the justice of the voluntary principle, he suddenly turned round, and said, " If you did justice with respect to the tithes, you would allot seven-eighths of them to a Roman Catholic establishment ;" and yet, in the next breath, he told them that he repudiated religious establishments as much for his own as for other persuasions. He became the eulogist of the Scotch, when they drew their claymores and took to the mountains. He lauded them beyond measure for having demanded and secured their establishment — and yet, without a moment's pause, he avowed himself the unqualified advocate of the voluntary principle. He told the house that they could never hope to pass a quiet hour—that peace was impossible in Ireland without a settlement of the tithe question : and yet he avowed himself the patron of a measure which was anything but a settlement of it. He called the opponents of the ministerial bill men of blood. He detailed the horrors of Rathcor-mac, Moncoin, and Enniscarra—as usual he presented the picture of the widow and the orphan ; and yet he assented to a perpetuation, not only of the tithe system, but of such a measure as, upon his own showing, was calculated to aggravate its worst evils. If the measure were not passed, the next winter would be, according to him, one of bloodshed and atrocity ; but what security did he

offer to the house that the adoption of the measure would prevent such a result ? If violence and blood really ensued as a consequence of the measure, he had given to the house no assurance that he would abandon it ; and if he did not abandon it, was he prepared to call in the civil power, and failing them, to call in the military ? Assuming that he must be prepared to carry into efficient operation the measure of which he was the advocate, it followed, as a matter of necessity, that he must be held responsible for the sufferings consequent upon the coercion to which the due execution of the bill necessarily led—that he would be responsible for the cries of the widow, and the destitution of the orphan—for the slaughter, the blood, and the devastation that were to ensue.

Passing to the bill itself, sir Robert remarked that, till he heard the exposition by lord John Russell, of the principle on which government intended to proceed, he had always thought that the spiritual wants of the Protestants of the established church had the first claim to attention, and that the education of the Catholic portion of the community was to be provided for out of any surplus which might then remain. " But," said the home-secretary, " when you want 200*l.* a-year for each clergyman, you totally forget the prior claims of 6,500,000 of your Catholic fellow-subjects, whom you look upon as alien in blood, and of a lower class than yourselves, but who are, notwithstanding, subjects of the same empire." He disclaimed any such feeling. Civil disabilities having been removed, he did not recognise any civil distinctions. But when he

stated that the spiritual wants of the church ought first to be supplied, he maintained that he was not neglecting the claims even of 7,000,000 of Roman Catholics. The United Kingdom was powerful enough, and possessed funds sufficient, to find the means of education for all classes of the community; and, therefore, he did not exclude the Catholics from instruction: he only doubted the legitimacy of their claims to education, out of the revenues of the Protestant church, till the wants of its members had been cared for. He did not, therefore, postpone their claims, but found means and funds from other sources.

This anterior provision for all the spiritual wants of the establishment was the principle upon which every government had hitherto placed the proposition. Lord Althorp himself, in producing a scheme for reforming the Irish church, in 1833, said, "We have heard frequently of benefices in which no duty is performed at all, where there is no church, or where there is no resident minister; but it is also well known that there are many places where there are congregations in which there is a difficulty in the due performance of public worship, and that the working clergy, while their superiors enjoy large revenues, have very inadequate incomes, and are frequently placed in the most distressing circumstances. There are 200 livings in Ireland, which are of less value than 100*l.* a-year. While this is the case, where there are Protestant congregations who require to be provided with the means of attending divine worship, it cannot surely be said by any one that the church of Ireland itself ought not

to have the first claim on the property of the church." But what was now the principle of the government, as it had been expounded by lord John Russell? It was this: "The duty of a state is not to choose and select that doctrine which the legislature or the supreme authority may consider to be founded in truth, but to endeavour to secure the means by which they can inculcate religion and morality among the great body of the people." Now, he had never heard any man before contend that propagation of doctrine was a matter with which an established church had nothing to do. If that doctrine were correct, what was the end of an establishment? The home-secretary said, that the duty of a state was not to choose or select that doctrine which the legislature or the supreme authority might consider to be founded in truth. That was a principle fatal to the reformation. Our doctrines were doctrines of protestation against the principles of the church of Rome; and if we were not ashamed of the religion we professed, we ought to place in the hands of others the means of worshipping God, if they chose, according to the doctrines of that religion. But to do this, they had been told, would be adopting a principle which would call upon us to extend to Hindostan the clergymen of the established church. Was the church of Ireland placed in the same position as our empire in Hindostan? Was not the Protestant religion introduced by law? Was not the king sworn to maintain it? Did not the act of union guarantee its security? what was it then to say, that if we were to extend the same principle which applied to a part

of the British empire, in which the maintenance of the Protestant established religion was guaranteed, to the maintenance of an established church in Hindostan? The argument would not apply. If this new government principle were correct, then it was our duty to provide for the moral and religious education of the people generally, before we provided for the members of the Protestant church. But their plan of instruction was decidedly neutral; no man was to attempt to whisper that he was a Protestant or a Catholic. The very principle of his Majesty's government, as now avowed, excluded all reference to doctrine; and therefore the first claim on the revenues of the established church would be for the moral instruction of the people. He insisted, with lord Althorp, that the spiritual wants of the Protestant church ought first to be provided for. The home-secretary inverted the order of the question; and, according to his views, the moral and religious instruction of the people, without reference to doctrine, had the first claim. Granting him to be correct, why did he not provide for that moral and religious education out of the consolidated fund, instead of the revenues of the church?

Ministers, however, maintained, that in practice they were only applying a surplus, which, they said, would exist, after fully providing for all the spiritual wants of the establishment. This was matter of detail: but, assuming the basis of their own estimates to be tolerably correct, the results were utterly illusive; it was evident that when ministers should have fulfilled even their own intentions towards the Protestant church nothing

would be left. They proposed that there should be 1,250 benefices in the church in Ireland; and, as he said, with a view of conciliating the people of England, each clergyman was to have 295*l.* per annum, 45*l.* of which was to be derived from glebe, leaving 250*l.* for 1,250 benefices, which must be derived from tithe. The total revenue, then, of the parochial clergy would be 368,338*l.*; deduct the glebe from that, viz. 56,253*l.*, and there remained 312,000*l.* to be derived from tithe. They estimated the value of ecclesiastical tithe at 511,500*l.* from which was to be deducted 32½ per cent., amounting to 166,000*l.*, which would leave 345,500*l.* There was then the tax on benefices, 37,000*l.*, which being deducted from 345,500*l.*, left 338,200*l.* They next calculated on having 250 curates, which was an extensive reduction, as there were now 430 curates; each of these 250 curates was to have 100*l.* a-year; 75*l.* to be taken out of the general fund, and 25*l.* to be paid by each clergyman. Still it was evident that the whole of this 100*l.* would eventually come out of the general fund: 250 curates, then, at 100*l.* a-year each, would cost 25,000*l.*, and this would still further reduce the sum of 338,200*l.* to 313,000*l.* Not a word had been said about re-opening the compositions, or the expense of purchasing advowsons. What would the re-opening of the compositions cost? It was said that they were extravagant at present. Could they reduce them by 1-30th? Well, that would be 10,000*l.* Then there was the purchase of advowsons. Would that cost 10,000*l.* more? He wished to be perfectly safe. Well, then from

the 313,000*l.* left, a further deduction had to be made for the 20,000*l.* required for the re-opening of the compositions and purchasing the advowson. This would leave 293,000*l.* But then it was fair to add ministers' money, stated at 10,000*l.*, and this would raise the sum required to 303,000*l.* But ministers, by their own showing, wanted 312,000*l.* to provide for an income of 250*l.* per annum, out of tithe to each clergyman of the 1,250 benefices. Instead, then, of having a surplus, they had a deficiency to deal with of 10,000*l.* Where would the surplus be derived from? It could come from no other source whatever but the sale of church lands. They had taken power by the bill to sell church lands on the next avoidance; tithe was uncertain property, but land was not.

Even assuming, therefore, that the scanty pittance, which was doled out by this bill to the clergy of the establishment, was to be deemed sufficient, its supporters must necessarily disappoint those expectations of a surplus which they were encouraging. He would take the dioceses of Cashel and Tuam, comprising very nearly one-half of Ireland — those dioceses containing nearly 10,000,000 of statute acres, and including the counties of Tipperary, Limerick, Kilkenny, Waterford, Cork, Kerry, Galway, Clare, Roscommon, Mayo, King's County, Queen's County, and Sligo. In those two dioceses there would be only 11 livings exceeding 300*l.* a-year, and they must be less than 400*l.* a-year. What hopes of advancement could be held out to the clergy, when, for one-half of Ireland, there would be only 11 livings exceeding 300*l.* per annum? In the diocese of Cael there were 469

benefices; in Tuam only 103 benefices, making a total of 572 benefices, and in the two dioceses there were 423 churches. Now, out of the 572 benefices, by the bill of his Majesty's government 489 would in no case exceed 200*l.* per annum, and might be only 100*l.* Thus then, out of the 572 benefices, the prizes were eleven livings varying from 300*l.* to 400*l.* He knew that in these districts, the number of Protestants was comparatively small, and that Roman Catholics had the preponderance; still he never could believe that it could be for the interest of the established church that, for one-half of Ireland, there should be 489 livings of only 100*l.* per annum. This, too, it must be remembered, was an allotment to the clergy out of their own property, and not a question what should be given them from the consolidated fund, or the property of others. He would say, prohibit sinecures, abolish pluralities, curtail superfluities; but when it was said there existed a necessity for limiting stipends to 200*l.* a-year, he must ask (from what cause did the necessity arise? Was it a necessity created by engagements into which the government had entered? Was it entailed by the obligation imposed upon them of finding a surplus revenue? or was it a necessity entailed by a desirable and provident view to the wants and interests of the church? 200*l.* a sufficient maintenance for a minister of that church! It was greatly less than they had resolved, in that very session, to give to their own doorkeepers. Look to the inducements held out to the members of other professions; take for instance, the poor-law commissioners, the assistant-commissioners, the commissioners for con-

solidating the criminal laws, with the grants to these of 5,000*l.* and 10,000*l.* per annum. He did not mean to say that this remuneration was inadequate to the gentlemen forming those bodies; but he called upon the House to maintain at least some decent proportion in a profession demanding at least equal respect. If it were desired to degrade the church, and to banish from it men of educated and enlightened minds, able to defend the doctrines they inculcated, tell them that they must expect nothing but the mere means of daily subsistence, and that they must abandon all thought of independence of character; and the object would then be understood. "But if it was intended that the minister of religion should be enabled not only to exist himself, but be able, as he ought to be, to relieve the wants of the distressed, consider not his interests, but the interests of charity and of religion, and allot to him at least a decent stipend, and some hopes of, at least, a moderate advancement. Compare his position with that of the members of other professions; the bar, the army, or commerce. Remember not only to what he was limited by this bill, but also that which he was cut off from ever attaining."

To those who demanded the passing of this bill, in order to settle the question of tithes in Ireland, sir Robert returned the answer so often repeated, that the very views which they advocated, and the principles which they proclaimed, made it impossible that this measure could settle the question; because these views and principles went to the destruction of the Protestant church, aye, and as a matter of justice, too; and, so

soon as the present bill was passed, one of its supporters, without the least inconsistency, might move to reduce the bishops to two, and another might propose that the Protestant church should make way for that of Rome. He could not trust to these prophecies of peace and contentment—and here Sir Robert put the case very happily and very strongly in the instance of Mr. Sheil himself. What had been the prophecies and assurances of the member for Tipperary, when examined on the question of Catholic emancipation in 1825. He was asked, "Do you think, in case the general question of Catholic emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?—I am convinced that it would not be in the power of any man, no matter how great his influence might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion and so much inflammatory matter is conveyed through the country." That prophecy had not been fulfilled, and therefore he had a right to distrust the prophet. Nay, while it would be difficult to find a single instance in which the prediction had been fulfilled, the prophet himself stood before all the world, the most prominent instance of its worthlessness. He had then said, "I may be permitted to add, with respect to the individuals who take a part in public proceedings, that I am persuaded they not only would not employ vehement language in

public assemblies, but that, if the Catholic question was settled, they would scarcely enter into any public assembly whatever; at least I can answer for myself, if I had a fair chance of reaching that station in my profession for which my faculties may perhaps disqualify me, but in the way to which, in addition to the disqualification which may be produced by my incapacity, the law has created exasperating impediments—I say if those obstructions were removed, I should take no further part in political concerns; for I am satisfied, that so far from assisting the advancement of an advocate in his profession, an interference in politics arrests his progress: and if I interfere at present, it is because I consider it a duty to use every effort to procure a removal of the disqualifications under which I labour.” “I hope,” continued sir Robert, “that the hon. and learned gentleman, before venturing upon new predictions, after such a failure in his own person, will endeavour to justify his claim to the character of a prophet, by ceasing to distinguish himself in that of an agitator.” How was it that men, expressing strong feelings against an establishment, could support this bill? How was this mystery to be unravelled, when those members held that an establishment for the minority was fatal to the peace, tranquillity and happiness of Ireland? The supporters of the measure which had been submitted from his side of the House, professed a readiness to cure abuses, to reduce superfluities, to abolish pluralities, and to destroy sinecures. They did not want to make the church establishment a source of political influence; they contended for an equal distribution

of its preferment. Did he believe that the member for Tipperary expected to gain anything by the allotment of 50,000*l.* a-year out of the revenues of the church. No. He believed that he gave his consent to the government measure, because he, a Roman Catholic, was convinced that, coupled with that allotment and a reduction of income, there was involved in the measure a principle, which, once admitted, would be fatal to the independent character, and the very existence of the Protestant church. Take away the glebes from the church, enable the crown to dispose of them, and to re-allot them—would not that alter the whole character of the church establishment? and would it not, instead of being an independent corporation, possessed of its own property, become and be placed on the footing of a mere stipendiary church? Was this desirable? Was it politic? For what object was it that the office of rector was abolished, and that future incumbents were to be mere vicars, removeable at the will of the Privy Council? A part of the security of the church rested not merely on its possession of its own lands, but upon its self-government; while this measure would alter the church from an independent corporation to a mere stipendiary church, and would shake its very existence. The least prejudicial part of the bill was that which took from its revenues the sum stated. Its evil lay in the provisions which divested the church of its property, changed its character, and destroyed its independence. He did not hesitate to say that he viewed the condition of the church of Ireland with the deepest regret and anxiety—that, so far from rejoicing in the ap-

plication of force or the execution of process for the payment of the dues of the church, he declared before God his object would be to cause a cessation of religious discords, to put an end to all religious distinctions, and to obliterate all former animosities. Such of all others was his object; but, at the same time believing the church establishment in Ireland to be perfectly consistent with the political rights of his Roman Catholic fellow-countrymen, believing it to imply no degradation to them, conceiving that establishment to be essential to the best interests of religion, and to conduce to the permanent happiness and prosperity of the empire, he could not consent, unless convinced by reasoning, to the introduction of a principle which he held to be fatal to it; and the opponents of this bill would be betraying their duty to their church, if they pretended to be convinced by arguments, the transparent fallacy of which they had exposed, or by calculations which they had demonstrated to be erroneous and delusive.

The chancellor of the exchequer complained, that the opposition fixed upon the ministers all the opinions of all who supported the bill: but they were responsible only for their own opinions, and their own measures. Though Mr. O'Connell had declared himself in favour of the voluntary principle, that was a principle from which his majesty's government dissented. Even in regard to this bill, ministers were introducing no principle different from those on which they had always acted. He repelled, indignantly, the idea that they were tied down by any engagements. He must tell the House, and the country,

that they had not been compelled to take any step; that they had not entered into any engagement; and that a more malicious, calumnious falsehood could not be, than that which threw upon them such imputations. There was no restraint upon them, but that which they owed to their own consciences, their monarch, and their country. It had been said, that this bill had been produced for the purpose of securing the support of the Irish members. The noble lord opposite (Lord Stanley) well knew that the principle of appropriation of church property was a principle meditated, and ready to be acted upon, when that noble lord and the present government were associated together, and in the strongest animosity to those very persons to whom he was now attached. He knew that a bill, involving that principle, was actually printed for the use of government, before the dissolution of the Grey administration, and at a time when the very individuals for whom it was supposed that this concession had been made, were employed, with both pen and tongue, in a succession of attacks on the government. The present bill was the same in principle, and had been brought forward in the performance of a duty; believing, as they did, that there was a surplus revenue, with which it was for the interests of the church itself to deal in the mode proposed. And such was the belief of the people of England. If ministers had dared to propose any measure calculated to overturn the Protestant church, or to leave the Protestants of Ireland without adequate means of religious instruction, one feeling of hostility to the administration would have prevailed throughout the country.

But as it was the object of the government to maintain the Irish Protestant church, to pay its ministers in proportion to the duties performed, and to apply the surplus revenue to the religious and moral education of the people, he was sure that the government, having common sense and justice on its side, would be supported by the country. Above all, they ought to be supported by the friends of the establishment; for the principle of the bill was one of preservation, not of spoliation. The appropriation clause was the thing at present quarrelled with; but a former bill, without that clause, had likewise been objected to: and the experience of the past proved, that the settlement of the question became more difficult the longer it was delayed.

On the division, ministers had a majority of thirty-nine, the votes for the second reading of their bill being 300, and for Lord Stanley's amendment, 261—a majority which, after what had happened with the municipal bill, in favour of which it might have been thought infinitely more easy to excite a popular feeling, necessarily sealed the fate of this measure in the House of Lords, however it might be pressed through the Commons. On the motion for going into committee on the bill (July 1), the ultimate designs, and the real wishes of the Papists, which some of their more wily leaders either disclaimed, or kept in the back ground, were openly announced by Mr. Crawford, member for Dundalk, moving the following resolutions:—"1. That it is expedient that tithes, and all compositions for tithes in Ireland, should cease and be for ever extinguished, compensation being first made for

all existing interests, whether lay or ecclesiastical; and that it is also expedient, that measures should be adopted to render the revenues of the church lands more productive, and more available for the support of the working clergy of the establishment, and that all persons not in communion with the established church of Ireland, should be relieved from all assessment for its support. 2d. That it is expedient that the monies necessary for the aforesaid compensation (estimated at 2,500,000*l.*) should be advanced out of the public revenue, and afterwards repaid by instalments from the proceeds of a tax to be imposed on profit rents, such tax to cease and determine as soon as the said debt shall be paid." It appeared to him, that there were funds derivable from the revenues of church lands, to pay the working clergy, without resorting to this odious and unjust tax, which had so long militated against the diffusion of the Protestant religion in Ireland. With respect to archbishops and bishops, he proposed that the former should receive 2,000*l.*, the latter 1,000*l.*, after the death of the present possessors of the sees. It might be said, the landlords in Ireland would reap the chief, if not the sole advantage of a total remission of tithes; but the imposition of a poor-law would prevent or counterbalance that objection. Nothing less than carrying the voluntary principle into full effect would satisfy the people of Ireland; and he referred to a letter written to himself by Mr. O'Connell, to shew that this was likewise the declared opinion of the latter gentleman. Mr. O'Connell, however, opposed the motion as fruitless and contradictory. Persons not connected with the establishment were to be

relieved from any assessment for the church, and its clergy were to be paid from the public revenue; but Catholics contributed to that revenue as well as Protestants. Repayment, again, was to be made to the revenue by a tax on profit rents, but this, too, would fall upon Catholics as well as Protestants. The resolutions were rejected by fifty-one members voting against them, and eighteen for them. Lord Stanley remarked, that such a motion, and the division was an excellent commentary on the ministerial declarations that the measure would be final and satisfactory.

In the committee, the Irish leader immediately betrayed his angry conviction that it would be impossible either to pass the bill, or to make it the means of raising any popular excitement against the other House. Some discussion having arisen on part of the first clause, which would have prevented tithe-owners who might have allowed their tithes to run into arrears from the most proper motives, from recovering them, and which the government agreed to abandon. Mr. O'Connell said, that to discuss any thing was only a miserable waste of time, for it was clear that no measure for the pacification of Ireland, whether respecting tithes or anything else, was likely to pass. Any bill containing solid relief was sure to be destroyed: they were legislating in despair. He himself intended to have proposed certain amendments. He would have proposed to increase the per centage deducted from thirty to forty per cent, to make provision for payment out of the consolidated fund of the newly deducted ten per cent, so as to cover the costs of

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collection in all cases in which the remaining sixty per cent might not be paid voluntarily, and to allow 2*l.* 10*s.* per cent out of the 60*l.* per cent to every person paying voluntarily the balance—namely, 57*l.* 10*s.* per cent. The quit and crown-rents in Ireland paid to the office of Woods and Forests amounted to 74,000*l.*: part of that was laid out in matters of utility, and part in that which was purely ornamental; of which, but that the whole was expended in this country, it would have formed part of his plan to take 50,000*l.* per annum from that fund, and apply it to make up the deficiency which the other portion of what he had intended to propose must have occasioned. But he would propose none of these changes, because there could be no doubt that the Lords would throw out the Bill. Mr. O'Brien, too, member for the county of Limerick, having stated it to be a mere farce to proceed with a measure already doomed to destruction, Lord Stanley observed, that from the frequent references to the expected fate of the bill in the other House, it would appear that the supporters of Government wished them not to proceed with the bill. If that were so, it certainly was a mockery to go on; but for his part he thought it important that the House of Commons should show what they thought of the different parts of a bill likely to be opposed, in the other house by a majority so large, and supported in that house by one so small, as to vary from thirty-nine to thirty-seven in a branch of the Legislature comprising 658 members.

The only debate which took place in the committee arose on the question whether the appro-

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priation clause should stand part of the bill; for the opponents of this provision had very properly determined to give the peers every support in their power by putting forth all their strength in the House of Commons, and because the discussion was one peculiarly embarrassing to ministers from the demonstrated insufficiency of their calculations, the smallness of their results, the avowed or easily detected intentions of those without whom they could have no majority, and the necessity of occasionally falling back on the expediency of merely declaring an abstract principle, or an enunciation of general views, to which the country was by no means favourable. The debate was a repetition of all that had been formerly urged, diversified with some new illustrations, and, in some instances, by acrimony of expression. On the division, in a house of 554 members, 290 voted for the clause, and 264 against it, leaving ministers a majority of only 26, the minority containing a majority of the English representatives. The motion would have been lost, as the bill would never have been burdened with the clause, but for the Catholic adherents of the agitator; and this it was which gave great effect to the representations given by the opposition of the true nature and unavoidable consequences of such a provision, and laid ministers under the necessity of disclaiming, as an intention, what was said to be obvious as result, and of declaring, at the same time, that the principle was theirs, as well as the actual provision, to meet the charge of being driven on to insist upon this clause, however hopelessly, by the influence of

those, without whose support they could not remain in office. All of them denied the operation of this influence; but still reasonable men could not help asking the question—Is it then the part of a prudent government, with a majority of the representatives of England against them, and only so small a majority of those of the United Kingdom, including even Papists, in their favour, to urge on such a measure, while they refuse every thing which would remove or diminish the practical evils which really existed? On the 15th of July, the bill was read, a third time and passed.

The second reading of the bill was moved in the House of Lords, on the 22nd of July. Lord Melbourne briefly explained its provisions; observing that it was not necessary for him to go into any lengthened argument on the subject, because the subject was one which on former occasions had been fully discussed, and because, with respect to the greater part of the bill and its general principle, there was no great difference either between the two Houses of Parliament, or between the former government and the present. It was true, he observed, that the deduction made by the present bill was larger than had been formerly proposed; but this was only a proof that the longer the settlement of the question was protracted, the settlement itself became more difficult, and conflicting interests became more obstinate. He did not think that the house would be prevented from agreeing to a final adjustment in which the church itself, was so deeply interested, by the consideration of two or three per cent. more or less. Besides, the

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greater security for payment, which was to be made by the state, must be taken into view; and the premier excited no small mirth, in which he joined himself, by assuring those of their lordships who had no practical experience of the matter, that there was no comparison, in point of certainty and punctuality, between an income paid by the state and one which depended on other sources. All parties were agreed that there ought to be a deduction, and one not departing very widely from that which was proposed. All parties were likewise agreed on another great object of the bill, viz., that the tithe should be converted into a rent charge; and so it was likewise with another momentous part of the measure, that which provided for a better apportionment of the income of the church, according to the duties performed in different benefices; for the proposition made in the House of Commons by those who opposed one part of this measure was, that a bill should be brought in to provide, among other things, "for the better distribution of ecclesiastical revenues in Ireland." The duke of Wellington said, that he would not oppose the second reading of the bill, and was prepared to consider it in committee, with a view to make such amendments as might render it consistent with the interests of the church and of the people.

As the principle involved in the appropriation clause was no more the principle of the bill than was the commutation of tithe into a rent charge, or the re-distribution of the revenues among the benefices, and as lord Melbourne had abstained from raising the question of the merits of the appro-

priation principle, the second reading was agreed to without any division or further discussion. On the 25th, the house went into committee, and they passed the bill on the 28th: but, in the mean time, they had made it, by overwhelming majorities, what the large minority in the Commons had endeavoured to make it, striking out all the provisions for what was called appropriation of the surplus, but retaining all the other important arrangements contained in the bill, under some modifications. By the bill the clergyman was to receive only seventy per cent.; the lords raised it to seventy-five, for they could not agree with the argument that a greater deduction should be made now than was thought necessary before, merely because certain persons threatened to insist on making it greater every year. Another important alteration consisted in raising the minimum stipend, to be paid in any benefice, to 300*l*.

In this shape the bill was sent down to the Commons; and lord John Russell, on the 2d August, brought the amendments of the Lords before the house. As the bill now stood, ministers could move its rejection only upon this ground, that it did every thing which they themselves desired, in kind, at least, though varying in degree, except confirming the appropriation of a surplus. Lord John Russell, however, started a question of privilege, as if the lords had interfered with a money bill, thereby leaving the commons no other choice than to reject it, independently of the merits or demerits of the alterations which the upper house had introduced. These alterations, he said, were

first, the alteration of the amount of rent-charge from seven-tenths to three-fourths. The next was with reference to the distribution of the income among the parochial clergy, and increasing the amount to be so distributed; the third was an alteration which had taken away part of a clause which gave the surplus revenue to the consolidated fund; and the fourth was an alteration by which that clause, which provided for the grant of 50,000*l.* a year out of the consolidated fund, to the benefit of the moral and religious instruction of the people of Ireland, was omitted. Now, these were amendments which altered the clause relating to a grant to his Majesty, under the name of the consolidated fund, and providing for the issue to be made out of that grant. There were precedents in which alterations of a somewhat similar nature made elsewhere had caused bills to be at once rejected by this house. He might, as an instance, mention a bill relating to the corn laws in 1772. That bill had reference to a question as much within the competence of the House of Lords as of this house to deal with; but because the House of Lords left out of the bill a provision for a bounty to be paid on the exportation of corn, and thereby diminished the burdens of the people, the House of Commons declared that the bill could not be admitted to their consideration: and, according to the manner in which bills so altered were often treated in those days, the Speaker tossed the bill over the table, and it was then kicked out by members from different sides of the house, no member at the time saying one word in favour of the admission of such a bill to the consideration of the

house. If he were to confine himself to strict and fair matter of privilege, he knew not why he should not argue that this was a bill, which, like the measure relating to the corn laws, did not admit of alteration by the Lords in any part in which the consolidated fund was concerned. Without, however, giving up any of the privileges of the house, he would take up the amendments upon their own merits; both because it was not the substantial object of this bill to grant a supply to his majesty, or to add to the consolidated fund, the mention of that fund being merely incidental to the general scope of the bill, which was as open to the House of Lords as any other measure of general legislation, and because he would be sorry to prevent the house from coming to a decision upon the question which had now been raised between the two branches of the legislature.

As to the amendments themselves, all that he would say of the first, which raised the amount to be paid by the landholder for tithes, from 70 per cent. to 75, was, that he could not see the grounds upon which it had been made. The former sum he considered equitable; the latter increased the burdens of the landlords. The change made in the provisions regarding the distribution of the church revenues was more important. The proposal of the government had been, that in parishes where there were but few Protestants, the incomes of the clergyman should not be raised above a certain amount, and that where the number of Protestants was large, the income of the clergyman should be proportionably enlarged. By that arrangement the tithes of the south, where the

Protestants were few, would in some degree have been transferred to pay the income of the clergy in the north, where the Protestant population was great ; but then the people of the south received a compensation for this transfer by that provision of the original bill, which gave 50,000*l.* per annum to the moral and religious instruction of the people of Ireland. But as the bill was now altered, the main object seemed to be, to transfer tithes from the parishes in which there were few Protestants to parishes consisting of large numbers of Protestants in districts situated in another and different part of the country. Again, the government proposal had been, that where the number of Protestants was small, only a certain amount of income should be paid to the clergymen. That amount of income had been increased by the Lords' bill, and he must say most unnecessarily increased, to the sum of 300*l.* It was true that there was a power given of altering and revising the amount of incomes in parishes, the number of whose Protestant population was more than 500 and less than 1,000 ; but still there was a limitation on this power to the effect of saying, that no benefice should be reduced lower than 300*l.* per annum : therefore, in parishes which contained few, or perhaps only one Protestant family, still the income of the clergyman could not be less than 300*l.* This plan was adopted by the House of Lords for the purpose, no doubt, of establishing as a fact, that no surplus existed. The Catholics of Ireland complained of the exorbitant incomes of the Protestant clergy. This bill pretended to reform the system, and how did it do so ? It gave 300*l.* a year to the clergyman

of a parish with a small Protestant population ; and it divided all the rest of the revenue among parishes containing upwards\* of 1,000, and in which the income would be 500*l.*, 600*l.*, or 700*l.* per annum. It had been stated, in a former debate, that in Belfast, which was composed of one parish, there was a Protestant population of 17,942 souls, and that in the archdeaconry of Dublin, which comprised several parishes, there were 15,599 members of the established church. By this bill, whenever there was a population of more than 1,000, power was given to the commissioners to divide the parishes, and therefore it was but right to suppose that the surplus over 300*l.* in small parishes would be transferred to large parishes, like those of Belfast and Dublin. Now, he begged to ask the house, if it could be contended that such a plan could afford any satisfaction to those who paid tithes ? Was it right to tell the poor farmers and the unfortunate peasants of Ireland, that from 2,000*l.* to 3,000*l.* a year should be taken from them and be applied to the rich towns of Belfast and Dublin ? It must be expected that men would be discontented. They were so when called upon to pay a clergyman not of their faith, though living amongst them as a resident ; and now that it was proposed to them to contribute largely to the income of another clergyman living in a large town 300 miles distant from their parish, was such a proposal a remedy for the grievances of which they complained, or in any degree calculated to induce the people of Ireland cheerfully to pay an impost, against which even now so much resistance had been made ? On the other hand, the govern-

ment bill had provided amply for the Protestant church, and in compliance with the resolution of the house of commons last year, had applied the surplus to the moral and religious education of the people, a purpose altogether omitted in the bill as it now stood. The votes upon that resolution rendered it unnecessary to argue in its defence. On the 2nd of April, last year, after a long debate of three nights' continuance, there was a majority of thirty-three in favour of the resolution. On the 3rd of April in committee there was a majority of thirty-eight. On the 6th of April there was a majority of twenty-five; and on the 7th of April there was a majority of twenty-seven. That principle had again been debated during the present year on two occasions, and affirmed; that principle must be embodied in the present bill to render it satisfactory, and from that principle the government could not depart. By the bill, as it passed the Commons, the government would have stood pledged to support the church of Ireland, to collect the rent-charge, and take care that it was paid to the clergy; the clergy would have received seventy per cent. on the gross amount of their tithes, which they would not even have the trouble of collecting; and the people of Ireland would have found, that, if their prayers had not altogether been listened to, their interests had not been overlooked in the settlement of the question. The House of Lords had refused all these benefits; for they had sent back the bill deprived of that which the House of Commons had declared to be an inseparable part of it. It was for the House to say, whether, after having

solemnly affirmed those principles, it would, because the Lords had rejected them, yield them up, and then endeavour to agree with the Lords in the alterations of this bill, or in the provisions of a new measure. For himself, however, he would say, that if the members of the House of Commons were to go up to the bar of the House of Lords in such humble guise, recanting their former resolutions—admitting that they had been in error, and that the wisdom of the House of Lords had taught them a lesson of policy they had never learned before, he, for one, would not accompany the Commons on such a message. It would, then, be the duty of ministers to resign, and no longer pretend to govern the councils of his Majesty. He was in no degree swayed, nor did he think the house would be swayed by the large majorities in the House of Lords. On the American question, those who contended for justice to the colonies were not one fourth of the whole house. He had been told by a near relation that he had divided with lord Chatham on the question, when only four lords divided with them. It was not because there were large majorities in favour of a system which in its nature was unjust, that he thought this house ought to yield to those majorities. He was sure that if, as the house did in the American war, they were to concur in measures of oppression and of misrule, they would be compelled in the end to avow that their measures had been inefficacious, and that they would endeavour to atone for their denial by a tardy and perhaps ineffectual submission. If they took the bill as now sent back to them, they would enter into a

pertinacious struggle against the vast majority of the people of Ireland, which would have to be supported by a lavish expenditure of blood and treasure, or after having attempted in vain to force an unjust measure upon the Irish people, they would then be obliged to retract, and to confess that indeed they wished to do that which was not defensible, but that the free voice of their fellow subjects had compelled them to desist from their purpose. He therefore moved, that the Lords' amendments should be taken into consideration that day three months, thereby dropping the bill.

Sir Robert Peel, who rose immediately after the home secretary, addressed himself first of all to the question of privilege, which the latter had brought forward. That question stated in the manner in which it had been stated, he characterised as a pretext for gaining the votes of inexperienced members, who would reject any encroachment on the privileges of the Commons with the same determination with which they would support, upon their merits, the Lords' amendments on this ministerial bill. If, as had been hinted at rather than expressed, there were objections on the ground of interference with their constitutional privileges, which could be maintained, those objections ought to be directly and explicitly stated, and made the ground of a preliminary refusal to consider this case. The uniform course taken, where such objections had been urged, was to state the objections as a preliminary obstacle to the consideration of the matter. It would then be left to them to consider, whether or not their hopes of mutual understanding were so

great as to justify them in proceeding further, and in that case to move for leave to bring in a new bill; or, if they despaired of the possibility of such an understanding, of course to decline taking any further steps. Lord John Russell had told them, that whatever was matter of privilege should be resolutely defended. He called on lord John Russell to take that course now, if he thought their privileges were invaded. If they were invaded, let him tell the home secretary that the course to be taken was not to hint at doubts in a speech, but that the house should place upon record their own declaration of the attempted encroachment upon their rights. If the bill, as altered by the Lords, was a breach of the privileges of the Commons, let it be rejected on that ground. Then, both ministers and their opponents would know what to do; they would then determine whether they would drop the measure altogether, or return it to the Lords in the same shape, in the hope that the other house would give way, or bring in a new bill not containing those matters to which the Lords had objected. Lord John Russell either believed that the amendments were a breach of privilege, or he did not. If he did, why not reject even the consideration of them at once? In doing any thing else, he was betraying, so far as one man representing a government could betray, the rights of the Commons. If he did not, why speak of privilege? why "hint a fault and hesitate dislike."

But what was this "hinted" breach of privilege? Mr. Hatsell, in treating of the law of Parliament regarding the right of the Lords to alter bills imposing

charges or burthens upon the people, laid down four cases in which such questions might be raised. According to him, the Commons asserted, first, that in bills of aid or supply, the Lords could make no alteration, except in correcting verbal or literal mistakes; secondly, that in bills which were not for the special grant of supply, but which, however, imposed pecuniary burthens upon the people, though the Lords could make alterations, they could make no change in the amount of the rate; thirdly, that where the amendments made by the Lords appeared to be of a nature which, though not immediately, yet in their consequences, would bring a charge upon the people, the Lords had no right to make such amendments; and lastly, that the Lords had no right to insert in a bill pecuniary penalties or forfeitures, or to alter the application or distribution of the pecuniary penalties or forfeitures inserted by the Commons. These rules with respect to the passing or amending of money bills, were clear, distinct, and easy to be understood, and applied in all the cases which could occur. It had been sometimes attempted to extend these claims on the part of the Commons still further, or rather so to construe them as to tend very much to embarrass the proceedings of the Lords upon bills sent up to them from the House of Commons. This had never appeared to him a prudent course. He thought that the Commons might rest satisfied with the observance of these rules, which they could maintain upon the ground of ancient practice and admitted right. It did not seem to be seriously maintained that the Lords' amendments, in the present

case, fell under any of these classes. Why, then, suggest privileges only to abandon them, and thereby weaken their indubitable privileges? Surely it would be infinitely better to reject the bill at once on the ground of privilege, or, if there was no privilege, to reject it upon its merits, than to raise the question of privilege, not on a motion to be practically applied, but in a speech to be immediately given up, or to reject the bill on such indistinct grounds as to leave the nation in doubt whether they objected to it on its merits or merely on the score of privilege. If the Speaker would state it to be his opinion that the Lords' amendments trench on the privileges of the Commons, he would at once consent to reject them; but it was not right to mix up the objection of privilege with the objection of bad legislation, or to declare, for the purpose of entrapping the votes of inexperienced members, that the necessity of defending the privileges of that House formed one ground, and the necessity of rejecting the amendments of the Lords formed the other ground. Such were the two grounds of objection stated by the noble lord to tender capacities; choose which you will, said the noble lord, but give us the benefit of a doubt in our favour. This was neither fair nor manly. He thought he could easily show that no question of privilege by possibility could arise, because he had never yet understood, and assuredly ministers had never yet declared, that the object of the bill was to give money, taken from the Irish Church, to the consolidated fund, as a means of diminishing the burthens of the people. But be this as it may, said sir Robert,

let us have the opinion of the Speaker, the protector of our privileges. If there be a doubt, I shall give ministers the benefit of it. If the Speaker shall even declare it as his opinion, that the point is doubtful, and that, therefore, we should not set a bad precedent by deciding these doubts against ourselves, I shall immediately vote for rejecting the amendments of the Peers.

The Speaker said, that the bill which had been returned to them from the other House, for the regulation of the revenues of the Irish church, could be regarded in no other light than as a bill for the new distribution of existing property. He should not be of opinion, according to the best judgment he could form, that there could be any objection to the Lords expressing a different opinion from the House of Commons with respect to the particular manner in which the distribution was carried into effect. If the Lords had left in the bill the appropriation clause, and still more, if they had left in it the grant of 50,000*l.*, and had then altered the amount of the contemplated surplus, he should have been of opinion, according to the authorities, that that was an alteration in the bill to which that House could not have acceded; and for this reason, that by diminishing the contemplated surplus directed to be paid into the consolidated fund, they would have increased the burthens of the people. There remained still another question, and one on which he regretted that he could not form so clear and satisfactory a conclusion as might be expected from him. A difficulty arose from the insertion of a grant of 50,000*l.*

in the bill as originally sent up from the House of Commons. It was stated in the clause enacting the granting of that sum, that it was given in consideration of certain circumstances. The question then might arise on a future occasion, if the House of Commons made a grant in consideration of certain matters being acceded to by the House of Lords, whether the privileges of the House would not be infringed by rejecting the conditions of the grant, inasmuch as the grant was based on certain considerations. He had endeavoured to look on this bill with reference not only to the rights of that House, but also to the rights of the other House; and looking at the bill in this way, he could see it in no other light than as a bill which had for its primary object a new distribution of the existing revenues of the Irish Church. With reference to the 54th clause of the original bill, regulating the incomes of future incumbents, the Lords might have taken 50*l.* from one man and given it to another, but they could not have made any change in the whole amount of income which the clause comprehended, because such an alteration would have diminished the contemplated surplus and increased the burthens of the people. The question which really and substantially remained for the House to decide was, whether or not the grant bearing to have been made on certain considerations, and these having been rejected by the House of Lords, and an essential alteration thus made, the House was entitled to maintain the proposition that the insertion in the bill of a grant coupled with certain considerations constituted it a money bill, and whether or not the House

would permit any alterations to be made. It seemed to him at to recommend the House to consider this a money bill, would be to recommend them to maintain an extreme position and adopt extreme measures. But he confessed also, that he had some feeling, that if a case should arise in which the House should propose to agree to the amendments of the Lords, it might be necessary to guard their agreement to those amendments with some explanation or entry upon the journals, to preclude any erroneous conclusions which might be drawn from this step, and guard against the effect which it might produce.

The question of privilege being thus disposed of, sir Robert Peel proceeded to argue that the bill, as it had come down from the Lords, was one which ought to be received with satisfaction by every man who wished to attain practical good. It deducted twenty-five per cent from the amount of tithe; the original bill deducted thirty per cent; but this was a matter which, from its very nature, did not admit of any close logical argument. This deduction, it must be recollected, although it had been represented as a gift to the landlord, was not made on that ground; it was not made for the mere purpose of diminishing the amount of tithe as being excessive; it was not an alienation of the church property, and least of all for secular purposes. It stood upon this ground, that in transferring the liability to those who possessed the chief interest in the land, it was but just to make compensation for the additional trouble and risk which they incurred, and that this compensation should come out of the revenues of the church, the

party immediately interested, and which would gain increased security in the collection of its revenues. The preamble of the bill itself expressly put it upon that footing; and he would not consent to give even twenty-five per cent, if it could be proved to him that twenty per cent would be sufficient compensation. No doubt, in individual cases, there would be benefit from this deduction; on the other hand, there might be cases of individual hardship; but it was impossible to take any amount as a general rule which would operate with exact justice in all cases. Assuredly, therefore, the difference of five per cent could be no reason for rejecting this measure. Again, the bill, as it now stood, removed the ministers of the church of Ireland from all collision with the occupying tenant—nay more, it relieved them from all collision with the landlord, by whom the rent-charge was to be paid; because it provided that a department of the government should collect it, until a redemption of tithes—the only way by which the name could be completely abolished—should be effected, or until Parliament should otherwise provide. It insured a review of the state of all the cures of souls in every town and city in Ireland, many of which were most defectively provided for at present. It also proposed that there should be a review of all the rural parishes in Ireland, the income of which exceeds 500*l.*, or the Protestant population of which fell short of 100 in number. The bill subjected the discretion of the lord-lieutenant to this restriction, which was surely not unreasonable, that no benefice should be increased so as to include an area of more than

thirty square miles ; that no rural benefice possessing an income equal to 300*l.* per annum should be increased ; and that none should be diminished beyond the sum of 300*l.* per annum. The bill also provided that there should be a separate fund created, which should be applied, after bearing the charges imposed by the bill, and satisfying the claims of the new incumbent, not to any secular purpose, but to the building of glebe-houses in parishes where none existed, and to the repairing and enlarging of churches, the parish from which the revenue was taken having the first claim upon it. Was this unreasonable ? Ministers themselves proposed to retain 1,250 benefices, and out of that number there were only 850 which had glebe-houses ; so that, on their own showing, 400 would have to be built. The bill gave the power of appropriating glebe land to those parishes which at present had none ; and could there be a more legitimate demand upon any surplus which might exist, than that it should be applied to the building of glebe-houses ? The home secretary had enlarged on the despair of the impoverished farmer or the destitute tenant, when he should learn that any portion of the revenues of his parish were to be appropriated to the endowment of a parish in a distant county ; and he seemed to suppose that the bill gave power to divide the parishes of Ireland into benefices, each with a population amounting to 1,000. This was a mistake ; that power applied only to country benefices, and did not extend to those in towns. The case of Belfast or Dublin therefore was not applicable, as the power in these in-

stances did not exist ; but he was surprised to hear from the author of the English church bill this objection to the re-distribution of ecclesiastical revenues. If there were large towns in Ireland with benefices imperfectly endowed, with a population of 8,000 or 9,000 inhabitants, and a stipend of 150*l.* or 200*l.* a-year, it was not unreasonable to apply any surplus of ecclesiastical revenue which might exist to the augmentation of these livings. Such had been the course pursued by government with respect to the English church bill. They contended that it was right, in the cases provided for by that bill, to apply the surplus of revenue accruing from benefices disproportionately wealthy to the increase of small livings. He did not expect to hear from them this confirmation of the objection urged against themselves by the members for Durham, who maintained that they had no right to appropriate a surplus derived from Durham to any other than Durham purposes. Surely the impoverished farmer and poor tenant of Durham had an equal right to complain that the revenue of the tithes he contributed to Durham were to be appropriated to the increase of livings in Nottingham.

As for the education clauses, it was impossible that the Lords, however willing to make any grant for that purpose, could retain them, after the other alterations, without touching the rights of the Commons ; and he had no doubt that one of the chief grounds for omitting the clauses was the fear of trenching upon the constitutional privileges of the House of Commons. For himself, at least, he would prevent all doubt upon this subject by stating that whenever the neces-

sity of a vote for the purposes of education in Ireland was proved, he was ready to agree to it, whatever might be the amount. When it had been proposed that, since they were unable to educate the young in the principles of the established church, and unwilling to educate them in those of the Roman Catholic faith, they should resort to the only alternative left—an education founded upon the great principles of Christianity, without attempting to gain converts to any particular persuasion, he had never hinted an objection. He knew that objections to this scheme of education were felt by many persons, and he was therefore the more anxious that the promises made to them should be rigidly fulfilled. If the original purpose of the grant were strictly and inviolably preserved—if the scruples of Protestants were respected as well as those of Roman Catholics—if education was based on the fundamental principles of moral duty and the leading truths of our religion, in which all concurred, then to any amount that might be required for the purpose, he would not withhold his consent, though he should object to derive the necessary funds from an alienation of ecclesiastical revenues. It was not fair, therefore, to tell the industrious farmer and the poor tenant that the question was, whether their families should be deprived of education; the question was merely, from what source the expenditure required for that education should be derived?

But they were told that, unless the bill was preserved in its original form, there was no hope of any satisfactory settlement of the question. Could any rational man,

who had heard and read the declarations of the supporters of this bill, entertain a hope that the Catholic, who was called on to pay 5*d.* as a charge in lieu of tithe, would be perfectly satisfied to pay 4*d.* out of the 5*d.* towards the support of the established church? Would he do so because the other penny was to be devoted—to what purpose?—to immediately provide education? Not at all. The claim of all existing incumbents must, in the first place, be provided for. Then, was education necessarily provided for at all? Not in the least. It was from the consolidated fund that they were to provide education. The bill provided that the penny should be devoted to repay to the consolidated fund what they should have advanced for the purposes of education. Was it to be believed that, if they acquiesced in the principle that the church had not a right to this property, there would not be a similar unwillingness to pay the four-fifths of the demand, after the other fifth had been given up? He did not look merely at the amount. His objections were infinitely greater to the principle of alienation, and to the mode in which it was meant to be applied. He could conceive that in some great national calamity they would be justified in taking from men, contrary to the usual course of law, part of their property. In time of war such a proceeding might have been forced upon us. Even then it would be bad enough; it would be a hardship and an injustice. Still, when the demand was limited and definite, and the right was rendered clear and unquestionable, they had, at least, this protection—that the tyrant's plea, an overruling necessity, had been a

justification of the alienation, and that until that necessity again recurred, there would be no similar justification for future alienation. But here they pleaded no necessity. This sum of 50,000*l.* which they were in want of, might be taken from other sources. Here, as in the case of a forced contribution, they made no specific demand—they did not say that they required from the church from 50,000*l.* to 100,000*l.* a-year, and that they would leave the owner to regulate his own concerns, and enjoy the remainder of his property. They laid it down as a principle, that after providing for the spiritual wants of the Protestant population of Ireland, the whole of the remainder should be delivered up to the people of Ireland. In what a position did they place that portion of these revenues which was to provide for the spiritual wants of the Protestant population of Ireland? Who was to estimate the amount that would be required to provide for these spiritual wants? The amount would vary with every administration. It might vary with every majority. Neither had they the excuse of being forced upon this step by any overwhelming pressure of popular opinion; for, so far as they had the means of ascertaining, the bias of public opinion, since the question was discussed in 1835, was in an opposite direction. Since the resolution of April, 1835, there had been thirty-one vacancies. When that resolution was voted, the occupiers of these thirty-one seats divided in favour of the principle in the proportion of twenty-one to ten, being more than a clear double. If he mistook not, the representatives of these thirty-one

seats did on the last, or would on the present occasion, vote in the proportion of sixteen to fifteen. Thus they were as nearly as possible equal, instead of remaining more than double. Considering these indications of public opinion, as far as they could be collected from the intervening elections—considering this bill, which they all must admit to be a great improvement of the present system, was sent down to them from the House of Lords—and considering that it was in consonance with the opinions of a very powerful minority in that House, a minority approaching, in point of number, within twenty-six of the number which voted for the settlement of this question on another basis, he could not see that the majority were bound in honour to an adherence to the former principle embodied in the resolution, and to reject this attempt at a settlement, because it did not contain all that that majority voted for. If they did not think that there would be a clear surplus—if they doubted whether any surplus would exist for many years, they should not insist upon the practical enforcement of the principle of appropriation; they should rather consent to attain a great degree of practical good, not assenting to the abandonment of the principle of appropriation, but reserving the practical enforcement of that principle to a future occasion, when the necessity of settling the question should arrive. If there was not, in their opinion, any surplus, and if the occasion for the practical enforcement of the principle had not arrived, was it, he would ask, consistent with the policy of prudent and wise statesmen to reject attainable good, because the

shadow of some future good could not be obtained? He moved as an amendment, that the Lords' amendments should be now taken into consideration.

The original motion was supported by Mr. Hume, Sergeant O'Loughlin, and Mr. Sheil; and the amendment by Mr. Shaw, Sir James Graham, and Lord Stanley. Mr. Hume frankly admitted, that even the ministerial bill did not

satisfy him; it did not go far enough; it could not possibly be a final measure, and even if it passed, he would not consider himself precluded from urging farther demands, when the proper time and circumstances should have arrived. The motion for rejecting the bill was carried by a majority of twenty-nine; the votes for it being 260, and for Sir Robert Peel's amendment 231.

## CHAP. IV.

*Commutation of Tithes in England—Provisions of the Bill for commuting Tithes—Views of Lord John Russell and Sir R. Peel—Discussion as to Voluntary and Compulsory Commutation—Debates in Committee—The Bill passes the Lords with Amendments in which the Commons concur—Bills for Registration of Births, Deaths, and Marriages, and for the celebration of Marriage—The Bills pass the Commons, and pass the Lords with Amendments to which the Commons agree—Reports of the Commission on the Church of England—Bills brought in founded on the Report—Ministerial Bill to alter the Revenues and territory of the different Sees opposed by the Radicals—Debates between Ministers and the Radicals in regard to the Bill—Ministers carry the Bill, and abandon the other Bills, connected with the same subject—Discussions on the Bill in the House of Lords—The Lords pass the Bill—Bills to abolish the Secular Jurisdiction of Bishops—Bill to regulate Ecclesiastical Leases.*

**T**HE leading measures of the session, so far as regarded England, were all connected with the alleged grievances of the dissenters. They consisted of a bill for the commutation of tithes; another for the celebration of marriage by persons not belonging to the communion of the church of England; and a third for the registration of births and marriages, and certain measures for changing the existing state of the church of England itself. The first two subjects were by no means new. The necessity of commuting tithe had been frequently discussed; and sir Robert Peel, during his short administration in 1835, had introduced for that purpose a bill with which the govern-

ment that followed him did not proceed. His predecessors had introduced a measure for the regulation of the marriages of dissenters; but it had been withdrawn, because it proved extremely unpalatable to the dissenters themselves. Sir Robert Peel had proposed a bill, which was received by the dissenters with great satisfaction, but it likewise was dropped on his retirement from office. The government now undertook to deal with all the three topics.

The ministerial plan for the commutation of tithe was brought before the House of Commons by lord John Russell on the 9th February. The subject, he said, consisted of two parts, viz., the principles on which the commuta-

tion should be made, and the machinery by which it was to be carried into execution. The machinery of the intended bill would be borrowed from sir Robert Peel's bill of last year. There would be a central board of commissioners, consisting of three persons, for the purpose of arranging the question of commutation, of whom two would be appointed by the crown, and one by the archbishop of Canterbury. This board would have power to appoint assistant-commissioners to a certain extent and in certain cases, in the same manner as the poor-law commissioners.

The selection of the principle on which the commutation should proceed was, he admitted, a subject attended with much difficulty. One principle which had been proposed was that of taking the amount of the gross value of tithes in every parish, and giving the owners of land the power of redeeming it on a scale formed upon the average value of tithe throughout the kingdom. But although that plan was simple; ministers agreed with sir R. Peel that it was hardly practicable. There were many parts of the country in which tithe was levied in kind—there were some parts in which the composition for tithe was high, and others in which it was exceedingly low. In the latter districts, those who paid a low rate of composition would object to any increase in their payments. So far from intending to pay an increased amount, they expected a diminution; so that a plan of that kind would certainly produce dissatisfaction. Another principle, and one on which a tithe bill introduced by lord Althorp was founded, was the principle of taking the payment of tithe univer-

sally for the last seven years, and commuting them on that valuation. There was this objection to that principle, that it gave to those incumbents who had been the most severe in the exaction of their tithes the full amount of what they had received; whilst it would prevent those, who had been lenient and indulgent towards the tithe-payers, from receiving that augmentation to their income to which they were fully entitled. Another plan of lord Althorp had been this—to take the amount of tithe paid in each parish in certain counties, to strike an average for them all, and then to make the amount of tithe bear a fixed proportion to the rent of the land in each parish, instead of being dependent, as it was at present, upon the produce of the land. But there was here one difficulty, which could not be overcome, and that was, that there would be no justice in converting the payment calculated on the proportion to the produce, which a man by law was obliged to make, into a payment calculated on the proportion to the rent, which by law he was not obliged to pay, and which he had not even contracted to pay. To solve all these difficulties, the preceding administration, in their bill of last year, had adopted the principle of voluntary commutation; but he could not consider this satisfactory, because he was convinced that in a great number of instances, where the exaction of tithe had been most oppressive, there would be no commutation; the old sores would remain, and bad feeling would be continued.

In the plan which government now proposed, their object had been, to produce as little disturbance as possible in existing interests, not

to diminish violently or excessively the income now enjoyed by any tithe-owner, and to produce some uniformity in the mode of calculating and valuing tithe throughout England and Wales. As in the bill of last year, any single land-owner would be allowed to agree with the tithe-owner for a commutation of his tithe: and having made such an agreement, he would stand to the tenant in the relation not only of landlord, but likewise of tithe-owner. He proposed, further, that it should be competent for the possessor or possessors of one-fourth of the value of the tithes to call a meeting of the owners of land in the parish, at which parties might be represented as they now were under the poor-law act. When three-fourths in value of the owners of tithes agreed with three-fourths in value of the owners of land, they would have power to make an agreement binding on the whole parish, if no person appealed against it within a given period. If any person appealed against it, it should still be binding upon those who did not appeal. The parties appealing would have to appear before the assistant-commissioners, who, on hearing their statements, would make an award, which award, on being ratified by the central board, would become binding on the parish. If at the end of a certain period—he did not intend to confine the house to time, in the bill he should say six months—no such agreement were made between the tithe-owners and the tithe-payers, it would be competent for any land-owner, or any tithe-owner, to ask the commissioners to make a general award on the tithes of the parish. When such a demand was made, an assistant-com-

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missioner would be authorised to examine what had been the amount of tithes, or of the composition for tithes, and what had been the expense of collecting the tithes, for the last seven years; he would then declare the amount of tithes so paid for the last seven years, and that amount would be represented, as would be afterwards explained, by a certain quantity of wheat, barley, and oats. In case any person should appeal against this declaration, on the ground that the amount fixed for the tithes, or the composition, did not fairly represent their value, the assistant-commissioner would make an estimate of the value of the tithes for the seven years previous, and ascertain the actual gross value of them for that period. If it should appear that the sum of the tithes taken in any parish during a period of seven years exceeded seventy-five per cent. of the gross value, then it would be competent to the commissioners to determine that the commutation should amount to seventy-five per cent. of the gross value and no more, and they would reduce the sum accordingly; but, if on the contrary, it appeared that the amount taken was less than sixty per cent. of the gross value of the tithe, the commissioners would be authorised to raise the sum to sixty per cent., and to declare that that should be the amount of the future charge. If it should appear that the sum hitherto paid was between those two limits, it should be competent to the commissioners to make such an award as they thought the circumstances and the justice of the case required. In some cases tithes had been taken to such an extent as ought not to form the basis of a permanent charge, and, on the

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other hand, there were instances, as had been satisfactorily established by undoubted evidence, of clergymen who did not receive more than forty or fifty per cent. of the amount to which they were entitled. It appeared only fair and just to interfere in those cases; and when was to be established a permanent settlement of tithe, which was to endure for all future time, he thought it right to fix a sum to be taken hereafter, which should not exceed or fall below a certain amount in proportion to the gross value of the tithe. It was open for consideration whether 75*l.* and 60*l.* were the proper maximum and minimum; he referred to these sums only as illustrating the principle.

There were certain cases, however, which would require a special regulation — tithes on hops, orchards, and gardens. In these cases, the tithes on extremely valuable crops were high; but they could form no fair average for a general commutation, nor indeed could they be allowed to enter into such an average. He proposed giving the commissioners the power of taking certain hop districts, in order to ascertain the average tithe of the last seven years and fix the amount in future. They would also have the power of declaring what the tithe of any particular land or property should be, supposing hop cultivation to be abandoned; and it was provided that in cases where land should be brought into hop cultivation anew, it should be subject to an additional payment of 15*s.* an acre on account of tithe. With respect to the case of orchards and gardens, he had not been able to satisfy his mind as to a particular provision on the subject, although he admitted lands thus

cultivated to be particularly circumstanced. Whatever might be done with regard to orchards and garden grounds now existing, he felt considerable difficulty in rendering land that might be converted into orchards or gardens in future liable to increased tithe. Orchards were a precarious and uncertain description of property, and frequently did not bear in certain years; and with respect to garden lands, if the question was allowed to be opened again from time to time, it would produce incessant disputes.

The tithe thus commuted would become a rent charge payable by the landowner according to the value of grain in the following manner. The average prices for seven years, of wheat, barley, and oats would be published at certain periods by the controller of corn returns; this publication would take place every year, and the payment of rent-charge made in lieu of tithe would be varied accordingly. The prices of three different kinds of grain were taken for the purpose of ascertaining the value and amount of the charge; so that if an individual were chargeable with 300*l.* for tithe, one third would be estimated by the price of wheat, one third by that of barley, and the remaining third by the price of oats, which would be giving each a fair proportion in the gross amount. Thus the tithe-owner would be entitled to receive every year payment according to the fluctuation in the value of grain, which must be taken to represent the fluctuation in the value of money. The intended bill would not deal with the question of redemption of the rent-charge, an important and a difficult subject, but one which would require to be dealt with in a separate measure after the com-

mutations should have been made, and the charge ascertained.

Sir Robert Peel would not object to the measure being introduced, for he thought himself entitled to say that it was taken, in a great measure, from his own bill of last year. The whole of its machinery had been adopted, and to a certain extent, likewise, its principle of voluntary commutation. The difference in principle between the measure now proposed and that formerly explained to the house by himself was simply this—that he had proposed that, for a certain period, the parties interested in the payment and receipt of tithe should be invited by one of the travelling commissioners to meet him for the purpose of considering the question, and attempting to come to a voluntary agreement for a permanent commutation of tithe; the present bill, though it allowed a certain period, for the operation of the voluntary principle, introduced, at the expiration of that time, a compulsory commutation, and stated the principle on which it was to be applied. He himself had never meant ultimately to exclude the compulsory principle, if he had found its adoption necessary. If a voluntary commutation had failed, it was still open to him to resort to a compulsory provision. Meanwhile, the advantage of his plan over the present one consisted in this—that it was now proposed, without having any experience of the working of the principle of a voluntary commutation, to prescribe at once, in precise terms, the manner in which the principle of compulsory commutation should be exercised. He thought it impossible for them at this moment to lay down any such principle precisely, with a well-founded assur-

ance that it could be carried into effect: yet if they were going to prescribe principles upon which a commutation was to be effected, it was of importance that the country should understand that those principles would be strictly adhered to; but this, he repeated, was absolutely impossible in the present instance. The tithe-payers and receivers would be utterly at a loss to understand how they were to proceed to a voluntary commutation, unless they felt assured that the principle now laid down would be firmly adhered to in all cases; but it was impossible to be certain of that, for, though the mover of the bill talked of 75 per cent. as a maximum, and 60 per cent. as a minimum, he said very plainly that he would not bind himself to that proportion. This would injure, likewise, one declared object of the measure. It was said to be desirable that every parish should be in the same predicament; that hereafter one should not be able to say it was placed on a different footing from its neighbours. But that would by no means be the case. One parish would have to pay only 60*l.*, while another, perhaps the immediately contiguous one, was paying 75*l.* per cent., not with respect to the actual value of the tithes, but founded on the payments for the last seven years, and dependent in a great degree on the forbearance of the clergy. The object of the measure being to secure, as far as possible, uniformity or equality of payments on account of tithe in every place where voluntary commutation was not effected, the bill would defeat that intention, and present in parishes in immediate juxtaposition a different rate of payment on account of tithe.

The bill passed its second reading on the 22nd of February, without any division, although various objections were stated both to its principle and its details, the objections to the former being chiefly directed against the compulsory nature of the commutation. Mr. Pemberton described it as involving three different modes of settlement. The first was, by means of voluntary agreements; the second, by voluntary agreements between certain proportions of the tithe-payers and tithe-owners, which would bind the whole parish; the third was, by the interposition of the tithe commissioners themselves, in case such interposition should be called for by either of the parties not coming to an agreement with one another. Now, with regard to the proposed voluntary agreement between the tithe-owners and the land-owners, the law, as it at present stood, enabled such parties not only to effect a commutation of tithes for a rent charge, but what was still more important, to secure an absolute and permanent commutation. So also in the case of incumbents of parishes, and other individuals having only a partial interest in tithes, the present law enabled them to make agreements for commutation without the aid of the machinery of this bill, or the expense and trouble of setting that machinery in motion. With regard to the second plan, it ought not to be forgotten, that the right to receive tithes was, in many instances, divided between the rector and the vicar of the parish. Was it, then, the object and intention of the bill, that the rector, possessing three-fourths of the tithes, should have the power of binding the vicar, who is entitled to one-

fourth; and was such an agreement, so brought about, to be binding upon all persons interested in tithes, whether tithe-payers or tithe-receivers? He did not understand why three-fourths of a body of tithe-owners should be allowed by their acts to bind the remaining one-fourth of the same body; but if this principle (whether objectionable or not) was to be asserted at all, it ought to be asserted to the fullest extent, namely, to the carrying tithe commutation against even the wishes, to a certain degree, of both tithe-owners and tithe-payers. It was anticipated that tithe would soon be commuted in all cases, because it was provided that the commissioners might interfere at the instance either of the tithe-owner or the tithe-payer, and it was assumed that one of them must always have an interest in effecting a commutation. But this appeared to him a most fallacious assumption, especially in those cases where the incumbent tithe-owner had already made his own arrangement with the tenants on the land. There would be a vast number of cases in which, from age, infirmities, and other circumstances, the existing incumbents of parishes would be unwilling to take the trouble, undergo the labour, or incur the expense of endeavouring to effect a permanent arrangement, which arrangement would not come into operation, until after death had removed them from the possibility of deriving any benefit from it. Look, again, at the multitude of cases which would arise in parishes under lay patronage, where the incumbent was not likely to adopt any course contravening the wishes of his patron, by claiming the provisions of this

bill. Again, in the instances of landowners absent from this country, or of minors, or even of lunatics, and, indeed, in several other cases, it would frequently occur that trustees, guardians, and committees would not only hesitate, but decline to interfere and bind their principals; and these these feelings would in multitudinous cases prevent the bill being carried into execution. The bill professed to establish harmony: but was it possible to devise a measure more calculated to destroy harmony of feeling, and produce dissent—than one which gave the power of compelling one reluctant portion of the parties interested to accede to the wishes of the other, perhaps smaller, portion? It was no doubt desirable that commutation should be effected; but the proposed mode would be disadvantageous both to the compulsory and to the voluntary systems, without possessing the recommendations of either.

Some members objected to the measure as giving the land-owners a bonus of from forty to forty-five per cent., and called it the landlord's bill; others, that it left too much to the church, and termed it the clergyman's bill; and a third class found fault with it, not because what was taken away was given to the landlord, but because it was taken from the church. Sir Robert Peel saw no objection to the second reading of the bill. Its leading principle was, that in certain circumstances, the commutation might be made compulsory; and he was not prepared to oppose this principle, provided it was applied in a manner perfectly fair and equitable to all parties. The provisions regulating its application might be modified in committee; for some of

them did not turn out, on due consideration, to be so sound as they were plausible at first sight. The bill professed first to allow a voluntary agreement, at the option of the parties interested, and then, in the event of that alternative being rejected, made the commutation compulsory. Now, was there any case in which there could be a voluntary agreement under this bill? The compulsory principle was to come into operation at the end of six months. Certainly this compulsory arrangement would favour one of the two parties, the tithe-owner or the tithe-payers. Why should either seek to come to a voluntary agreement, when he knew that in six months another principle would be enforced, which would be attended with results much more profitable to him? How very improbable, then, that the voluntary principle would be adopted in precisely the same terms as those laid down by the bill! Strictly speaking, this measure did not apply compulsion at all. The plan of the bill was this:—After the expiration of six months, if no voluntary agreement, and no parochial agreement, in consequence of the decision of the majority, should be effected, the powers of the commissioners would then come into operation. And in what manner? Any landowner might write to the commissioners, and require, not a compulsion for the whole parish, but a compulsory arrangement for his individual holding in it. The parish might consist of 10,000 acres, and any man holding a single acre might apply for a compulsion to it. So that this principle of compulsion might be applied only to a single acre. Supposing half the parish agreed in applying to the commissioners, in that case the

principle of compulsion might be employed with effect. There might be proprietors in a parish, whose land, now subject to a corn-tithe, had not been arable for the last six or seven years. The tithe-owner would then apply to the commissioners to have the compulsory principle applied, and would select the cases in which it would be for his interest to obtain it. But what confusion and disputes would arise from these applications of individual landholders! It would have been infinitely better to determine what proportion of the holders of land interested in tithe should have had the power of obtaining from the commissioners the application of the compulsory principle to the parish. Then, how perplexing would be the difficulty of compulsion in the great majority of cases. How could the gross value of tithe paid within the last seven years be discovered? If it had been paid in kind, there might be a record: but where this had not been the custom, he did not see how they could proceed to determine its gross value for that period. In order to form a just valuation, the commissioners must know the nature of the crop of every year, the produce of the land; and if their decision were not in conformity with justice, their award must necessarily produce great dissatisfaction in the parties subject to it. He did not see how the noble lord proposed to ascertain the value of the tithe on an acre of land during the last seven years. These were the principal doubts he entertained.

Lord John Russell said, it seemed to be admitted, that even if voluntary commutation alone were now adopted, they could not remain long—that was for many years—

without coming to a compulsory commutation. The question, therefore, was not whether a bill should be introduced authorising voluntary commutation, and leaving all parties in the belief that no other commutation would be effected, but whether they should pass a bill for the voluntary commutation of tithes, leaving all parties to presume that a compulsory commutation would follow. In proposing a bill for voluntary commutation, under such circumstances, they would find that men would be unwilling to make voluntary commutations, and would reserve themselves for a later bill, in the hope that a compulsory commutation would be more favourable to their interests. Instances of voluntary commutation would be rare; they would only occur where the parties were on amicable terms with each other,—where either the owner or occupier of the soil was ready to grant more than the tithe-owner received at present,—or where the tithe-owner received less than his due from the farmers of his parish. Under such circumstances, a voluntary commutation would not be a safe guide in making a compulsory commutation for the whole country. It was said that there would be great difficulty when we came to make a compulsory commutation, in finding a value for the tithe of every acre in the kingdom. His feeling was, that the power of making a voluntary commutation, coupled with the prospect of being obliged to submit to a compulsory commutation, if a voluntary one was not made, would lead the parties to make fair terms with each other. If they would not, then there would be meetings of three-fourths of the tithe-owners with three-fourths of the tithe-payers

to make arrangements ; and where those arrangements were made satisfactorily, they would be binding on the whole parish. He thought that to such meetings the voluntary commutations made between individual tithe-payers and the tithe-owners, would form some guide as to the value of the tithe. He deemed it necessary, nevertheless, that, in any bill for accomplishing a compulsory commutation of tithes, there should be clauses providing for a just and equitable valuation of the tithe, and he had accordingly inserted in this bill such a provision.

When the bill went into committee, ministers made several alterations in its provisions. The period, during which voluntary commutations might be entered into, was extended from six months to twelve. The clauses likewise under which a single landholder might compel a commutation in regard to his own property, while there was none for the rest of the parish, were given up ; and it was now proposed that a fixed proportion of the land-owners should have power to enter into a voluntary agreement, which, after a certain time, should become binding on the whole parish. Even as altered, however, a great deal of hostility was expressed against the measure, and not least among the ordinary supporters of government, who complained that it gave the clergy too much, and would raise the rate of tithe in many parts of the country. Mr. Hume maintained that no good bill could be enacted, till the corn laws were repealed ; for they had given land and its produce an artificial value, and as their repeal was anticipated, this measure would inflict great injury on the land-

owners, unless the value of tithe was fixed much lower than was done by the bill. Strong opposition was manifested to the provisions for fixing the minimum and maximum of 60*l.* and 75*l.*, and fixing them merely by the average of the preceding seven years. Sir Edward Knatchbull insisted that such an average, even where it could be taken, could not possibly furnish a fair estimate of the value of produce in different parts of the country. Such a test must operate favourably or unfavourably, according as the land was kept in good or in bad condition. He moved to insert the words, " having regard to the nature and quality of the land," but the amendment was lost by 111 against 51. The member for Northallerton moved, that the clause fixing the minimum and maximum should be omitted altogether ; for it would never, he said, come into operation in any useful or satisfactory manner. A very large proportion of the existing compositions, fell below the minimum which was here fixed ; land had been taken on the faith of them, and this clause would throw them all loose. It would give the tithe-owners a greater sum than they had ever enjoyed, or could ever have anticipated. Mr. Blamire and Mr. G. Knight, likewise, wished to see this provision abandoned ; and other members assured ministers, that if they did not give it up, or modify it, they would lose the support of those, without whom, they could not expect to carry the measure. The motion that the clause should remain, was carried by a majority of 78 against 70. On the bringing up of the report, however, government proposed a modification of the clause, to the effect,

that the commissioners, on receiving a representation that the sum paid was not a fair composition, should ascertain the gross value of the tithe, and should have power to raise or diminish the sum to be paid in future, but not beyond one fifth of the sum paid during the preceding seven years. A proviso, moved by Mr. Parrott, member for Totness, to the effect, that a deduction of ten per cent. should be made from the average value ascertained by the commissioners, was likewise rejected.

Mr. Richards said, he had been requested by several ironmasters and owners and lessees of mines in Staffordshire, to object to that part of the bill, in the 33d clause, which would impose a rent-charge in lieu of tithes, upon land which had been put out of cultivation by being in part cut up and opened for mines, and by being covered with the rubbish or "spoil." At present no tithe was paid for such land, because it was not cultivated; and it would be hard on the lessees to fix them with a charge in lieu of tithes, which they did not now pay. He moved a proviso to the effect, that in case any land, now or heretofore, under cultivation, should be cut up for mining, or covered with "spoil," the rent-charge on the whole land should be abated in proportion to the extent cut up, so as not to extend to those parts which were unproductive. Lord John Russell answered, that this amendment would apply only to Staffordshire, and the space of ground which was thus circumstanced, was so small, that he did not see that it called for a violation of the principle of the bill. It would not be contended that the land should pay no tithe. The proviso was rejected by

171 votes against 54. Mr. T. Duncombe, one of the members for Finsbury, moved to leave out the words—"or the tithes of fish, or of fishing, or the tithes of mills or any personal tithes, or any mixed tithes not arising upon land;" and to add these words, by way of proviso, at the end of such section—"that from and after the passing of this act, all tithes of fish or of fishing and all personal tithes, shall cease and determine." Nothing could be more barbarous than to take tithe from poor fishermen, who were not only risking their little property, but also their lives, in catching the fish upon which the tithe was collected; and to show the hardship of personal tithes, he mentioned a case which occurred in the East Riding of Yorkshire in 1833, wherein two clerical magistrates had committed a poor labouring man to prison for three months for non-payment of a tithe of 3s. 4d. upon the amount of his wages. Lord John Russell and the Attorney-General admitted that there was much hardship in those personal tithes, and they would not object, for their own parts, to abolish them. But it did not appear just to destroy in this way, by a single clause, the established claims of the clergy. The commissioners of tithes should be instructed to collect all the information they could, as to the nature and amount of this species of tithe; to ascertain the number of cases in which the clergy had a right to it; and then it would be for parliament to determine what compensation the clergy were entitled to receive, before this right was abolished. The bishop of Exeter had declared in his place in parliament, that the church had of late generally abandoned its right

to personal tithe. Still there were some clergymen who were disposed to stand upon their strict right. That being the case, the House ought not to abolish the right, without inquiry and without compensation, by a proviso introduced into a clause at the end of an act of parliament for a different purpose. This was a bill for the commutation of tithe, not for its abolition, and ought not to be clogged with a provision repugnant both to its title and its spirit. Mr. Duncombe, however, pressed his motion to a division, when it it was lost by 96 votes against 50.

The bill, having gone up to the Lords, was read a second time, without opposition, on the 7th of July, and was passed on the 22nd. Both sides of the House agreed in approving of its general principles, and no alterations of any moment were made, even upon its details. The Earl of Mansfield thought, that the measure was calculated for the public advantage, although he likewise thought that, in some respects, the conversion of the tithe into a rent-charge, had not been carried sufficiently far. For instance, if land now barren and unproductive, were brought into cultivation, there was no arrangement in the bill by which the tithe-owner would derive any benefit from the land being thus brought into cultivation, a right which he enjoyed under the present system. It was true, that, to a certain extent, tithe prevented barren land from being brought under tillage; but still, it ought not to be forgotten, that the formation of new roads, and other means of communication, often rendered land valuable, which had before lain barren from the want

or the distance of markets. Analogous to this was the cultivation of land for different purposes at different times. The bill provided for this so far as regarded hop-grounds and market-gardens. For such lands there was to be an ordinary and an extraordinary charge: when they ceased to be hop grounds and market gardens, the charge upon them was to be the same as on other land in the same parish; but when they were again cultivated in their former character, the high rate was to be paid. This principle, he thought, ought to have been carried farther. For instance, a parish might be partly in grass, and partly in cultivation. By this bill the clergyman would have his tithe fixed permanently on the part in cultivation, whilst on the part in grass he would be receiving only a small modus. Now, supposing this grass land to be taken into cultivation why was not the tithe-owner to have the benefit of tithe hereafter upon the land? At present, too, in cases of enclosure, the clergyman received a compensation for his tithe in a certain portion of the land enclosed. Was he to be deprived of that compensation in future?

The Archbishop of Canterbury likewise considered the bill as likely to be very beneficial in its effects, relieving the land from the pressure of tithes, and doing justice to the clergy, and as little liable to objection as any measure that could be framed on a subject so difficult and so complicated. With respect to those lands which might be brought into cultivation as agriculture improved, and for which the bill made no provision, he agreed that to give to the clergy a tithe on such land would be to

prevent the general object of the bill—the expenditure of capital on the land. But when waste lands were enclosed and brought into profitable cultivation, he could see no reason why such steps should not be taken in favour of the clergy as were usual in other cases, and why a portion of the land should not be given to them. His grace accordingly moved in the committee an amendment to the effect, that where waste or common lands should be inclosed, the commissioners should assign a certain portion of the land to the tithe-owner instead of his tithe. Both sides of the House opposed this proposition. It was inconsistent, they argued, with the great principle of the bill which was, that there should be once for all a settlement of the tithe-question. Now, under the amendment, the whole question of commutation might be opened on the enclosure of any waste or common land an hundred years hence. If such lands were brought into cultivation, this proposal would subject them to the very burdens from which it was sought to relieve them—a tax upon improvement. It would affect all the downs in England, and exclude them from the benefit of the measure. The concessions which the bill made, and the relief which it afforded to the tithe-owners was of far greater consideration than any thing which a provision like this could give them. The amendment was negatived without any division. The bill passed; and the alterations, which had been made in the Lords, were agreed to by the Commons, with one exception. The peers had introduced an amendment giving tithe on cows fed in stalls and sheds. The ministerial leader

in the House of Commons was at first inclined to concur in the amendment, because the stable or shed, in which the cows were kept, would be liable to the rent-charge even if the tithe on the cows were not admitted; but he would not press the amendment, which was therefore rejected, and the Lords did not insist upon it.

The bills to relieve Dissenters from the necessity of celebrating their marriages according to the forms of the church of England, and for establishing a system of registration of marriages, births, and deaths, were brought in together by lord John Russell, on the 12th of February. He stated that the two bills were not only intimately connected with each other, but that the establishment of a proper system of registration was, in his opinion, an indispensable pre-requisite to any measure for removing from the Dissenters the grievances of which they complained in relation to their marriages: and even setting aside the considerations particularly connected with that portion of the community, it unquestionably was a most important object, in a national point of view, that we should have a general scheme of civil registration. It was important with regard to the security of titles to property, and important to a knowledge of the state of the population, that a general register of births, marriages, and deaths, should be made, on which a perfect reliance could be placed. That the present system was deficient had been sufficiently shown before various committees; since there was no registry of births, but only of baptisms; no registry of marriages, because they were only such marriages as were performed

by ministers of the church of England; nor of burials, for the only burials registered were those in which the service was performed by clergymen of the establishment. He thought that this state of things arose from the register being an ecclesiastical register, and not a civil one. With respect to the registration of births, looking at it with reference to the religious creed of any man, divided as the community was into various religious sects, it was impossible that a register of the whole population could be kept by the ministers of the established church; since, to pass by other illustrations, the baptists would not submit to receive the rites of baptism from the hands of the clergy of the church of England. It was, therefore, absolutely necessary, when we wished to form a complete register, that we should have one which should comprehend indifferently and impartially all sects of the people. The late change effected in our domestic policy by the poor-law amendment act seemed to furnish the means of attaining this end, without laying upon the public any heavy additional expense. Under that act there were upwards of 228 unions already formed in England and Wales; and it might be calculated, that when the whole country was divided into unions, there would be somewhat more than 800. In every union there was a relieving officer, each union consisting of about twenty parishes, and containing from 16,000 to 20,000 inhabitants. There was likewise an auditor appointed by the board of guardians. The government proposed that the poor-law commissioners should have the power of appointing the relieving officer,

or any other person whom they might think fit, to keep the register of a certain number of parishes, and the auditor of the union or his clerk, or any other person appointed by the poor-law commissioners, should superintend the register of that part. There would also be a registry office in each county, and a chief office in London, subject, however, to the authority of the poor-law commissioners. It would be the duty of the superintendent of the registry in each union to send the registers to the county office every two months, and thence copies would be transmitted to the central office in London. As to the manner in which the registration was to be made, the bill would require that notice should be given by the occupier of the house in which the child was born, within eight days after that event had taken place, and that within fifteen or twenty days the registrar might call upon either the father or mother of the child, or upon the occupier of the house, to give him certain particulars, in order to fill up accurately the register in respect to that child. The person who furnished these particulars would be required to furnish the name of the child. If that was declined at the time, and withheld to a future period, it would be necessary to postpone it, and the party would be obliged to produce to the registrar a certificate of the baptism of the child, and to pay him a fee of 1s. for making the entry. In cases of deaths, likewise, the occupier would be bound to give an account of the deaths which happened in his house—of the time and circumstances of that event, in the same manner as was provided in the case of births; and the registrar within

a certain time would call upon the next of kin, or any person living in the house, to furnish him with further particulars with respect to the death, the age of the deceased, information as to what part of the country the deceased belonged to, and all such other information as was usual and material in such cases. It was not proposed that persons, who gave the information thus required of them, should be obliged to pay any fees for the entry, or indeed for any thing: but copies or certificates of the entry, at any time afterwards supplied, were to be paid for. Every registrar would receive, not, however, from the parties, 2s. 6d. for each name entered by him within twenty days after birth or death, and 1s. extra after that time; and the superintendent of the register would be paid 2d. on each entry. It was calculated that altogether there would be about 812,000 entries made in the course of one year, and that the amount paid to the registrars thereon would be somewhat more than 40,000*l.* The total expense, including superintendents and the register-office in London, would amount to about 80,000*l.* per annum. For the present the bill would contain a clause empowering the lords of the treasury to pay the expenses of the central register-office in London; the future expenses would be borne by the parishes according to the number of entries supplied by each.

The registration of marriages, again, was inseparably interwoven with the bill for regulating the celebration of marriage; the provisions of which he now proceeded to state. He laid it down as a principle, that the state had no interest in the form of the marriage ceremony beyond that of its being

binding on the consciences of the parties. When it was ascertained that due notice of the contract had been given according to the form requisite to be followed by all parties, that the contract was duly registered, and that the manner in which that contract was entered into was binding upon the consciences of the parties to it, then the state had learned all that it was essential or necessary for it to know. But the law of the country, as it at present stood, proceeded on a very different view. By the marriage law of 1754, it was declared that a marriage, in order to be valid, must be performed (after bans published in the church, or after licence granted by a competent authority) in the church, within certain hours, except under a special licence; and in all cases by a clergyman of the church of England. This law was an unnecessary violation of conscience; it compelled parties, having their own religious ceremony, to go into a church with which they were not in communion, and whose service they were not in the habit even of attending, to have the marriage ceremony of that church performed by a minister whose religion they did not follow, and to many of whose doctrines they did not assent. The general principle of the plan now proposed, would be, to leave the marriages of the members of the church of England as they were under the present law; to allow the Protestant Dissenters to be married by their own ministers, in their own chapels, according to the religious form most acceptable to themselves, and to provide a more effectual mode of proclamation than bans. He had taken many opinions from mem-

bers and ministers of the church of England, and they satisfied him that the system of bans by no means furnished the security which had led to its adoption. It might have answered well when there was only one church and one religion, and when the church was capable of containing all the inhabitants of the parish; but in both these respects bans at the present day failed; for to the Dissenters their publication was of course unknown, and equally so, in populous parishes, to nine-tenths of the inhabitants, members of the church. A huddled list of names was read over, and a clergyman had assured him, that as it frequently occurred in the midst of a most solemn service, it only served as a cause of almost indecent interruption. He, therefore, proposed, that all persons, whether of the church establishment or Protestant Dissenters, should give notice of their intention to marry to the registrar, and that their names should be entered by him in a notice-book, open to inspection for 21 days prior to the celebration, but that persons intending to be married by licence would be required to give only eight days notice, and special licences issued under the authority of the archbishop of Canterbury, would still be retained. If the parties were unknown to the registrar, some person known to him would be required to declare that they really were the persons they professed themselves to be. After the names had remained on the notice 21 days, the registrar should give them a certificate to that effect, and within three months from that time the marriage might be celebrated; and if the parties were members of the church of England, the clergyman,

on production of the certificate within the period, would be empowered to perform the ceremony without the proclamation of bans. If the parties were not members of the church of England, or did not choose to be married according to the forms of that church, they would be at liberty to go to a Dissenting chapel with the certificate of notice, and on its production the ceremony would there be solemnised. The chapel must, however, be first duly licensed on the application of at least 20 householders, who must declare that it was a Dissenting chapel used as a place of worship, and that they desired it to be licensed for the celebration of marriages. Moreover, as the Dissenting ministers were not all known as were the clergymen of the church, and as a Dissenting minister might take upon himself the ministry, and again lay it down, it was proposed in the bill that, at all marriages celebrated by Dissenters, the registrar should be present, and afterwards enter the names of the parties on the registry. To those, again, who considered marriage to be altogether a civil contract, and that no religious form ought to be observed, he would give something like what had been proposed last year by sir Robert Peel, with this exception, that the parties instead of going before a magistrate, would go before the registrar of marriages for the district in which they resided, who would enter the marriage contracted before him in a form of words set out in the bill. In respect to the registration of other marriages, the only difference between members of the establishment and Dissenters would be this, that the established clergyman might enter the certificate of marriage in his own

register, and send a duplicate copy thereof to the superior registrar of the district, to be by him forwarded to the central registry in London; while in the case of Dissenters, it would be required that the ceremony should be performed in the presence of the registrar, who would certify that the marriage had taken place after all the forms had been complied with.

The bills having been brought in, were read a second time on the 15th April, without any opposition; sir Robert Peel having suggested that the best course of proceeding would be to make them as perfect as possible in committee, and take the sense of the House on the third reading. The Registration bill passed through committee without any important alteration. Mr. Goulburn and sir R. Inglis objected to its operation, in severing the naming of the child from the rite of baptism, a principle to which many ministers of the Church of England had a serious objection. Though it might be desirable to establish one national register, still it ought not to be done in a way to offend the religious opinions, feelings, and principles of any portion of the King's subjects. The object of this bill might be better accomplished by giving to Dissenting ministers power to register the births of children in their respective congregations, and by rendering it compulsory on them to send those registers, at stated periods, to one central general board. This bill would impose a considerable burden on the poor-rates, for the purpose of keeping up the different offices to be created under it; the churchmen, it was well known, were quite satisfied with the present system — why, then, entail on them additional

expense, in opposition to their most conscientious feelings. On the other hand it was said, that the object of the bill was to establish a national register of births, and not a register of births for the members of the Established Church only. To obviate this objection, there must be two registers, one for the members of the Established Church, and another for Dissenters. The bill was not intended merely to satisfy Dissenters, but contemplated a great national object; and there could be no doubt, that both in respect of titles to property and intermarriages, which so frequently took place, Churchmen had a direct and immediate interest in the existence of a good registry for Dissenters. On this ground, that the object was a national one, and that the expense of it therefore ought to be borne by the country, it was moved to expunge provisions which made certain expenses a burden on the parish, but the proposal was negatived by a large majority. A member having proposed a clause to enable divers Dissenters, who had hitherto been in the habit of keeping registers of such births, baptisms, marriages, and burials as took place in their respective societies, to lodge them, with certificates of their accuracy and authenticity, with the registrars of the district within which the parties, having the custody of such registers, resided, to be by them transmitted to the registrar-general, it was withdrawn, on lord John Russell's assenting to a proposition suggested by sir Robert Peel, that a commission should be appointed to investigate into, and report upon, the different degrees of authority and authenticity belonging to these registers, previously to the House's legislating, either one way or the

other, upon their reception by the registrar-general.

On the third reading (June 28) Mr. Goulburn moved certain amendments by way of rider, following out the objection which he had stated in committee to the separation of the naming of the child from the baptismal rite. By the bill, as it now stood, the parents of a child were bound to furnish the registrar with the name of the child before baptism. The first of the amendments, which he proposed to introduce, would leave it unaltered in every particular which affected Dissenters, but it would save members of the church of England from the practice of separating the naming of their children from the rite of baptism. What he should propose was, that the registrar should merely be furnished with a statement to the effect that a male or female child had been born of parents whose names should be set forth, and then within a certain number of days after the baptism that the name of the child should be furnished, but not before. It was, in the opinion of all members of the church, who reflected on the subject, a matter of great importance, that the act of naming a child should not be severed from the rite of baptism; and he need hardly suggest that if such a severance prevailed in practice, it might lead some persons to omit the rite altogether. He entreated the House to look at the awful responsibility which this involved—the omission of the rite of baptism led to the omission of that of confirmation, and Christian burial might be denied to such as had not been baptised. The proposed alteration would not affect any

persons who dissented from the church; because where they objected to the rites of the church of England, a declaration to that effect might accompany the registration of the name of the child. — Lord John Russell, Mr. Ewart, and Dr. Lushington, agreed as to the importance of the rite of baptism, but denied that the operation of the bill would be to diminish the observance of that rite. It was a common practice at present for members of the church of England to call their children before baptism, by that name which, in fact, they afterwards received in baptism, and continued through life to bear; but these ensued no such indifference with respect to the rite of baptism as was anticipated and neither could the insertion of the names of children in the register in any degree lead to it. The rite of baptism was often delayed for months or even years; but still the children bore a name. Conscientious persons would never omit the rite in consequence of this bill, and this amendment would not render persons of a different character more attentive to the rite.—Sir Robert Peel argued, on the other side, that the supporters of the bill undervalued the practical effect of the act on the ceremony of baptism. A very general feeling prevailed, not only amongst the members of the church of England, but a large portion of those who dissented from her doctrines, that the ceremony of baptism was essential in the naming of a child; and now the legislature was about to pass an act which would make it unnecessary to have the rite of baptism bestowed at all. He did not believe that the higher classes of

society would neglect to have that ceremony performed, but he did think that the great mass of the uneducated people of the country would not be so particular, and this bill afforded them an inducement and encouragement to content themselves with naming the child according to the civil ceremony, and dispense with the religious observance. He further objected to this part of the bill, because it violated the conscientious feelings of members of the established church; for he never could agree to dispense with a rite which it looked upon as so solemn and necessary a ceremony.—On a division, the amendment was lost by 97 members voting against it, and 73 for it. The House of Lords passed the bill on the 11th of August, with several amendments, to which lord John Russell advised the Commons to agree; because, although his own opinion did not go with these alterations, the principle of the bill had been preserved, and it would be better to leave the practical effect of its provisions to be ascertained by experience, than to anticipate, as a subject of discussion with the other House, the probable consequences of particular regulations.

In the committee on the marriage bill, in the House of Commons, a proposition to continue the publication of bans at least in rural districts as a more effective means of giving notice to families interested in preventing a clandestine marriage, than a register which would require to be daily examined; and a proposition to allow a dissenting chapel to be licensed for marriage-purposes on the application of ten householders belonging to the congregation, instead of twenty, because, it was

said, there were many dissenting congregations which did not contain ten householders, were severally rejected. Mr. Poulter, member for Shaftesbury, and an adherent of the ministry, moved the rejection of the clause which allowed persons, who objected to marry in church or in a registered meeting-house, to marry at the office of the registrar, on the ground that it altered the whole marriage law of England, and separated the contract of marriage from all religious sanction. The church of England could not accept such a clause, and he believed there was no intention on the part of Dissenters to separate marriage from the religious sanction. On the other side it was maintained that the omission of this clause would be inconsistent with the principle of the bill. That principle was, that marriage was a natural right, and that this right ought to be no farther limited than might be necessary to prevent clandestine and illicit unions. The bill allowed all persons to be married according to the form suited to their own conscientious feelings. Thus some persons were left undisturbed; others, who were Dissenters, and who thought marriage was a religious ceremony, but who desired that it should be performed in their own chapel, were permitted so to celebrate it; and, lastly, there was another class who thought it merely a civil contract, and, according to the soundest principles of religious liberty, they had an equal title to have their scruples attended to. There was nothing in the clause which differed from this principle. The probability was, that 99 persons out of 100 would regard mar-

riage as a religious as well as civil contract; but although the number of those who thought differently might be few, the principle was great and important. A large majority decided in favour of the clause.

On the third reading of the bill, Mr. Goulburn moved the insertion of a clause requiring, that in all cases where marriages were solemnised, not in a church or chapel, nor according to the rites of the church of England, the parties should make the following declaration:—"I do solemnly declare that I have conscientious scruples against the solemnisation of marriage according to the rites and ceremonies of the church of England." There were Dissenters as well as members of the church of England, who thought a religious ceremony operated to the validity of a marriage; and nothing more was required by this clause than that those, who considered marriage as purely a civil contract, should make a declaration to that effect. He did not wish to enforce forms which were objected to; but members of the church of England were convinced of the necessity of retaining the awful denunciations against improper marriages, which would be omitted in the mere civil contract. The effect of the clause would be, that marriages in registered buildings would be confined, as they ought to be, to persons who had conscientious scruples against the ceremony as solemnised by the church, and the same awful sanctions, which now existed in respect to marriages so solemnised, would be retained as regarded all members of the established church, who would be bound by the same obligations as at present, and instructed in the same duties.

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Dr. Lushington declared that such a clause would utterly defeat the great object of the bill. That object was to afford relief to the great body of Dissenters, by giving them that to which they had a clear right—the power of contracting marriage without being subject to a religious test; and he considered this clause to be a religious test. A great many persons attended dissenting chapels who did not call themselves Dissenters, and who communicated with the church of England; but the great bulk of the dissenting body claimed and were entitled to claim, the right of marrying in their own chapels according to their own forms. To require such a declaration as was proposed, would be to violate a natural right, by conceding it to Dissenters only under the bondage of a test. Sir Robert Inglis observed, that this ground of opposition could never be maintained, because ministers themselves had introduced the very same declaration into the 18th clause of the bill where it now stood, requiring persons who wished to be married merely before the register to make this declaration. "I do solemnly declare that I have conscientious scruples against marrying in any church or chapel, or with any religious ceremony." Mr. Baines, a Dissenter, admitted the force of this argument, and was shocked at finding in the bill the religious test contained in the words which sir R. Inglis had read from the 18th clause. If ministers did not strike them out again, nine-tenths of the Dissenters would reject the bill. Alarmed at this, lord John Russell stated, that he had not intended them, and did not consider them, as any religious test.

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The clause provided for the marriage of persons who objected to being married in any place of worship, or according to any religious ceremony. But it was apprehended that the effect of the clause might go beyond what was meant ; that it might not only permit such marriages, but permit them among members of the church of England, and encourage, contrary to the policy of the state, the making of marriage a mere civil contract. If he was told, however, that it was inconsistent to retain these words which he had introduced, and yet oppose the clause now moved, he would rather strike out the former than consent to the latter. Sir Robert Peel hoped that Lord John Russell would not be so easily driven by his friends into abandoning what he had himself proposed, after full consideration as being wise and proper, and before committing himself, he might at least have waited till the dilemma occurred of being compelled to take both or neither. He ventured to prophesy the dilemma would not exist ; his lordship would be able to reject the clause now tendered by Mr. Goulburn, and likewise to retain his own provision. He saw no connection between Mr. Goulburn's amendment and the proviso introduced into the 18th clause : Many persons might dissent from the former, and cordially approve of the latter. With that proviso the proposition of ministers stood thus : We invite you to perform the religious ceremony—we tell you, members of the church of England, that it is open to you to be married according to the rites of the church ; and with respect to you, Dissenters, we will register your places of worship, and respect

your religious ceremony. But there may be a limited class, whose conscientious scruples are so excessively fastidious that no church, no chapel, no dissenting meeting-houses, no registered place of public worship will please them ; and we say to you, you also shall have an opportunity of being married ; our wish is to encourage the religious ceremony, but not to enforce it ; and therefore all we ask of you is to say that you dissent from the church of England. Anything more reasonable by way of respect for other men's religious opinions, he could not very well conceive. Could any man deny, taking an enlarged view of society in general, that it was for the benefit of the public at large that the marriage contract should be enforced by the religious ceremony, and that the policy of the legislature should be to encourage it ? He was prepared to give his assent to the proposition of Mr. Goulburn ; but at the same time he did not think that those who objected to it were involved in the slightest contradiction, if they still declared their wish to afford some encouragement on the part of the legislature to the religious contract.

Mr. Goulburn's motion having been rejected by a large majority, Lord John Russell, instead of maintaining his own proviso, the reasonableness of which he had admitted, resolved to sacrifice it to the Dissenters, because, as he now said, he felt it to be contrary to the general principle of the bill. In vain the opposition entreated the House to consider the state to which this would reduce the church of England in regard to marriage. As the bill at present stood, even with this proviso, there was nothing to pre-

vent the son or daughter of any member of the church of England from contracting the most imprudent marriage, and having it celebrated without any religious ceremony whatever, or in a Dissenting meeting-house. That was an evil. It opened a door within the pale of the church of England for the contraction of marriages without any religious sanction, and in a clandestine manner. But if this proviso were removed, they would go a step further, and declare, that marriage might be contracted in contempt of every religious ceremony which heretofore had sanctified it; and in this way any individual might prevail on one of their daughters, though both were members of the church of England, to go before the registrar, and make a clandestine marriage. The motion to expunge the proviso having been carried on a division, sir Robert Peel said, that the bill, as it now stood, did a positive injustice to the members of the church of England. He had been desirous throughout not only to afford a full remedy for every grievance, but believing that no remedy would be effectual, unless it consulted the fastidious feelings of Dissenters, he had been desirous of seeing them fully respected. The bill had now assumed an entirely different aspect; and while it provided for the relief of the Dissenter, passed a gratuitous and most intolerable insult on the feelings and principles of the members of the church of England. The noble lord, out of his own good feeling, had introduced this proviso under the impression that it would be more conformable to the feelings of the religious part of the community, both of the church of England and the Dissenters;

he had now, at the instigation of those behind him, abandoned it—he had followed a course which was without precedent on the part of one who attempted to be the leader of that House. Lord Lincoln, after expressing similar sentiments, moved as an amendment, in consequence of the course which government had taken, and the state to which the bill was now reduced, that it should be read a third time that day six months. The third reading, however, was carried by 104 votes against 54. It so happened, however, that in the bill sent up to the Lords, the proviso in the 18th clause was still retained; and the Commons were under the necessity of sending a message to the other House to have the bill returned that the error might be corrected.

The second reading of the bill in the House of Lords encountered no opposition, the objections to the bill being reserved for the committee. The archbishop of Canterbury stated that he was willing to make the bill what it legitimately ought to be, a measure of relief to the Dissenters; and nothing but a strong desire of giving this relief could have induced him to consent to the second reading of a bill, almost every clause of which was liable to objection. He professed himself favourable to the principle of the bill, but he was not favourable to the manner in which that principle was proposed to be worked out. The members of the church of England should be continued in possession of those advantages which they now enjoyed, and with which, in general, the clergy as well as laity were satisfied. The legislature had abstained from all interference with the marriages of

Jews and Quakers, and one reason was, that according to their system, there was a most perfect security against clandestine marriages; but this bill did interfere unnecessarily with them, for by it they were bound to give notice to the registrar. He would give the Dissenters all the relief they sought for, if they gave good security against clandestine marriages, as the Jews and Quakers; but this bill, instead of giving such security, took away that security which had hitherto been derived from the publication of bans, while it likewise removed the religious ceremony from marriage. The bishop of Exeter said, that however desirous he might be of consulting in this matter the conscientious scruples of Dissenters, he never would consent to those provisions, which directly interfering with the rites and discipline of the church, degraded marriage into a mere civil contract, and held out an invitation to its members to contract that most solemn of all engagements, without any religious ceremony whatever. The bill would enable parties to enter the holy state of matrimony without recognising, in any way, the religious nature and binding obligations of the contract, without the slightest invocation of God upon the occasion, and upon simply declaring their readiness to live together for purposes of mutual convenience.

Accordingly, in the committee, the bishop of Exeter proposed, in order to avoid the desecration of the marriage contract, when the ceremony was not performed in church, that the parties should make the following declaration: "In the presence of Almighty God, and these witnesses, I, M., do take

thee, N., to be my wedded wife, to live together according to God's holy ordinance; and I do here, in the presence of God, solemnly promise before these witnesses to be to thee a loving and faithful husband during life," instead of, as it stood in the bill, the words, "I call upon these persons here present to witness, that I, A. B., do take thee C. D., to be my lawful wedded wife." Hitherto, marriage had always been considered as a sacred and religious ceremony; and at the time of the Usurpation, a most solemn formula was established. A similar form was adopted still by the Quakers and other sects. Nothing ought to be done to reduce the sanctity of that ceremony; but he feared, that the laxity of the proposed law would reduce it to the same state as it was in France. This addition was opposed, not only by ministers, but likewise by lord Ellenborough, the earl of Ripon, and the duke of Wellington. They contended, that such a declaration would be productive of great mischief to society generally, and especially to the church. The bill already contained a clause providing for the religious solemnization of marriage; and if the amendment were agreed to, there would be two religious forms. The amendment, however, was carried, in a very thin house, by a majority of nineteen to fifteen. On the bringing up of the report, however, the bill, on the motion of lord Melbourne, was restored in this respect to what it formerly had been. His lordship said, it was far from being his wish to impair or diminish the sanctity of the marriage contract, or to lessen the authority or weight of the obligation, by which that solemn-

nity was consecrated ; and if he thought, that the removal of the words, which he wished to be struck out of the clause, would have that effect, he would not propose that they should be expunged. In practice, marriage had always been a religious ceremony ; and the manners, the feelings, and the habits of the people had recognised it as a holy ordinance, which demanded the sanction of religion. It was not likely, then, that the striking out of these words would have any bad effect on the public, or would impair the religious feeling with which the ceremony was regarded. The intention of this act was to allow the Dissenting sects to celebrate the rites of marriage in their own chapels, according to their own forms ; but at the same time, to guard against danger to the public, a civil officer was to be appointed to see that the marriages which were thus entered into, were formed after due notice had been given, and should continue binding and valid. He was apprehensive, therefore, that if the words, which he proposed to strike out, were retained, an objection would be raised on the part of those, for whose relief this act was intended, that we were introducing civil officers into their chapels, in order to perform a sort of religious ceremony. As the clause originally stood, it was not liable to any such objection, and it was well known, that it had met with the sanction of those who represented the Dissenting interests. The motion to expunge the words was carried by a large majority, of seventy-two against twenty-nine. The Lords struck out that provision of the bill, which totally abolished the

proclamation of bans ; and they enacted, with regard to all marriages of members of the established church, that bans should still be proclaimed. They likewise provided, that the superintendent of each district should send to the clerks of the unions the names of all persons who gave notice of their intention to marry, they being Protestant Dissenters ; and that their names should be read weekly, for three successive weeks, at the meetings of the guardians of the poor. In some parts of the bill, too, they introduced an oath, in place of a mere declaration, and required the interference of the superintendent-registrar, instead of the registrar.

When the bill returned to the Commons, some of these amendments were very unfavourably received by the Dissenting interest. Lord John Russell advised them, however, to take the bill as it was, in the mean time. To some of the amendments he had very strong objections, as they did not tend to carry into execution, on some important points, what had been originally intended by the measure ; but it was a matter of great moment to place on the statute-book, a law which admitted the general principle ; and farther measures might subsequently be proposed for carrying the whole of the original scheme into effect. This did not prevent the Dissenters from pressing a division on the amendment, which required that the names of Dissenters intending to marry, should be read by the guardians of the poor at their weekly meetings, against which they inveighed as a positive degradation. It was stated in answer, that the objects of the

Lords had only been to ensure greater publicity, and that the provision might be unnecessary, but certainly had nothing degrading in it. The amendment was agreed to by a great majority.

During the administration of Sir R. Peel, a commission had been appointed to inquire what useful changes, if any, could be introduced into the ecclesiastical condition of the church of England, so as to remove anomalies which might still exist in it, and insure more effective pastoral superintendence. The commission consisted of the archbishop of Canterbury, and other ecclesiastical dignitaries, along with some of the great functionaries of the government, and had made a first report before Sir R. Peel resigned. On the occurrence of that event, his successors continued the commission, only the official members being changed; and their second report was presented to both houses early in the present session. The recommendations contained in these reports, which had been unanimously agreed to, arranged themselves under three heads:—First, the ecclesiastical division of territory, and the revenues of the different sees; secondly, the cathedral and collegiate revenues, which it was desirable should be made more useful for the church establishment; and lastly, the residence of clergymen on their benefices. The first report of the commissioners had recommended a different territorial arrangement of dioceses, with the view of making them more equal; the suppression of two sees; the erection of two others in their place, those of Manchester and Ripon; and that the revenues of the sees should not exceed 5,500*l.*, nor

fall below 4,500*l.* The two archbishoprics, and the sees of London, Durham, and Winchester, were to be the only exceptions to this rule. The only material alteration proposed in the present report was, that the diocese of Bristol, which, according to the previous recommendation, was to comprehend part of the diocese of Llandaff, should be united, as far as respected the city of Bristol, with the diocese of Bath and Wells, and, as far as respected the remaining portion of the see, with the bishopric of Gloucester. It was likewise proposed, that the Isle of Man should in future be united with the bishopric of Carlisle. With regard to the revenues, the amount of which was calculated according to returns, which, though perhaps not quite accurate, were the only estimate that could be obtained, the following alterations were recommended—namely, that the income of the archbishopric of Canterbury should be reduced from 17,000*l.* to 15,000*l.*; of the see of London, from 12,200*l.* to 10,000*l.*; of Durham, from 17,800*l.* to 8,000*l.*; of Winchester, from 10,700*l.* to 7,000*l.*; of Ely, from 11,000*l.* to 7,500*l.*; and of Worcester, from 6,500*l.* to 5,000*l.* The excess produced by these deductions was to be divided among thirteen sees, so as to make their respective revenues range between 5,500*l.* and 4,500*l.* per annum. It was not recommended to make any change in the sees of York, Bath and Wells, Norwich, and Salisbury. There would thus be no longer that great disproportion so generally complained of, both in the duties and the revenues of the different bishoprics; the necessity of attaching

benefices, with cure of souls by *commendam*, to bishoprics would be got rid of; the practice of translating bishops would become less frequent. It was also thought, that some useful measure might be proposed with respect to the mode of granting leases; but this was a subject which the commission had found extreme difficulty in dealing with, and they did not yet report any definite proposition regarding it.

The second subject of inquiry had been the state of cathedral and collegiate revenues. There were two sorts of chapters, those of the old foundation, and those of the new foundation. Those of the old foundation were such as were enacted before the time of Henry VIII., and there was this peculiarity about them—that many of the prebends attached to them, had separate estates, with no obligation as to residence, and no duty to perform. The new foundations had been formed on a more systematic plan; the general estate belonged to the dean and chapter, and its surplus, after providing for the repairs of the cathedral, and other expenses connected with the performance of divine worship, was divided between the dean and the other members of the chapter. The commissioners recommended that all those prebendaries, to which the condition of residence did not attach, and all offices of the same nature, should be suppressed, and that the income derivable from them should be added to a fund for the general benefit of the church, and the extension of religious instruction. With respect to the deans and chapters, it was not recommended that they should be

altogether abolished, but that a sufficient number of dignitaries should be left in each cathedral to carry on the service. By a subsequent report, the commissioners proposed that the chapters of each cathedral church (except at Oxford), and the chapters of the Chapel Royal, at Windsor, and the collegiate church of Westminster, should consist of a dean and four canons, with the following exceptions, viz., that Christchurch, Oxford, should have a dean and six canons; that the chapters of Bangor, and St. Asaph, should each consist of a dean and two canons; that of St. David's, of a precentor and two canons; and that of Llandaff, of an archdeacon and two canons. It was likewise recommended that all benefices without cure of souls should be suppressed, except such as were in the patronage of private individuals, or of a college in either of the universities. The funds thus obtained were to be applied in raising small livings, and supplying additional means of religious instruction in populous parishes.

In regard to residence and pluralities, it was proposed that exemptions in favour of non-residence should be granted only to chaplains in attendance on their Majesties or on bishops, the principals of some public schools, and in a few other special cases. The law at present allowed incumbents to be absent three months, and it was not proposed to shorten the time; as circumstances did not permit the clergy generally to take advantage of it, and pluralities produced a far greater quantity of non-residence than all other causes. In regard to pluralities, therefore, the commissioners proposed, that no clergyman should hold two livings,

if the income of one of them exceeded 500*l.*, or they were more than ten miles distant from each other, and in no case should any clergyman hold more than two; that no person should hold more than one benefice with one cathedral preferment; and that no person should hold preferment in more than one cathedral or collegiate church, except arch-deacons, whose office was very laborious, and in general ill paid.

A bill was brought into the House of Lords by the archbishop of Canterbury, to carry into effect the recommendations of the commissioners regarding pluralities, and non-residence. Lord John Russell introduced into the lower House a bill founded on those recommendations which regarded the new modelling of the episcopal sees, in relation to territory and income; and, at a later period, a third measure was brought in, to carry the reports fully into effect, by providing for the suppression of cathedral and collegiate preferments, and sinecure benefices. The bill concerning the territory and revenues of the dioceses, or, as it was termed, the established church bill, recited those parts of the reports of the commissioners which set forth the proposed alterations among the sees, and deductions from their revenues, that have been mentioned above. It then incorporated a board of commissioners, under the style of "the ecclesiastical commissioners for England," which board was composed of the archbishop of York, and bishop of London, for the time being, and the existing bishops of Lincoln and Gloucester, by name; of the lord chancellor, the president of the council, the first lord of the treasury, the chancellor of

the exchequer, and such of the secretaries of state as his Majesty might name, all for the time being; and of Lord Harrowby, the right honourable Henry Hobhouse, and sir Herbert Jenner, by name. It was required that all the lay-commissioners should be members of the church of England. The bill then enacted, that the commissioners, from time to time, should lay before the king in council such schemes as should appear to them to be best adapted for carrying into effect the before-recited recommendations, and such measures as should appear to them necessary for the proper execution of these schemes, with a power of making such modifications and variations in matters of detail, as might not be substantially repugnant to the recommendations themselves. When any such scheme had been approved of by his majesty, it was to be ratified by an order of the king in council, published in the gazette, and recorded by the registrars in the dioceses, and was thereafter to be of the same force and effect as if every part of it had been included in this act. A specific clause was inserted, enacting, that in future no bishop should hold *in commendam* any ecclesiastical office, dignity, or benefice, all such grants being declared null and void; and by another clause, the commissioners were directed to prepare, as soon as possible, a scheme for preventing the appointment of clergymen not fully conversant with the Welsh language, to any benefice in Wales, with the cure of souls, where the majority of the inhabitants of the parish did not understand English.

On the motion for going into committee on the bill, the second

reading of which had encountered no opposition, Lord John Russell entered at great length into the consideration, not only of the particular measure itself, but likewise of the other two bills which were to go along with it in reforming the church. He pointed out the great inequality among the existing sees in point of territory and number of benefices, some containing upwards of 1,200 benefices, and several upwards of 1,000, while others again had only between one and two hundred, and the equally glaring diversity in their emoluments, from Durham with upwards of 19,000*l.* per annum, down to Llandaff with little more than 1,100*l.* He adverted to two evils which had flowed from this inequality—the practice of attaching benefices to the poorer sees, which was injurious to those benefices, and the belief, whether well or ill-founded, that the occupants of the poorer bishoprics were constantly looking forward to promotion, and allowed their conduct to be influenced by a wish to secure the favour of those who could bestow it. The plan recommended by the commissioners contained a prohibition against uniting benefices with the sees, by raising the income of the lowest to what was a sufficient amount, and rendered it unnecessary to do so. At the same time, it seemed to put an end, as far as could rationally be expected, to any opinion that bishops would neglect their dioceses, or become subservient to superiors, in the hope of translation. The only exceptions would be in favour of the two archbishoprics, and the bishoprics of London, Winchester, and Durham. The duties of these offices were such as required that

they should be more richly endowed; they would still remain an object of translation; but this could never affect the general character of the church, and the opinion entertained regarding it, as, with this exception, all the sees would be nearly the same in point of revenue. It was not to be expected that a man who had taken possession of a bishopric, and had established himself in it at considerable expense, would readily quit the place where he had so settled, and where his connections had been formed, in order to gain 500*l.* or 700*l.* a-year more. The entire revenues of the bishoprics at present was 150,340*l.*; the sum required for them, under the new arrangement, would be 148,400*l.*, leaving an apparent excess of 1,940*l.*, which could not, however, be taken into account as an excess, because the returns could not be taken as perfectly accurate. This sum, according to the new distribution, would go—to the archbishop of Canterbury 15,000*l.*; to the archbishop of York 10,000*l.*; to London 10,000*l.*; to Durham 8,000*l.*; to Winchester 7,000*l.*, and to the other sees incomes varying from 4,500*l.*, the lowest to, 5,500*l.* the highest.\* It was easy to say, that, looking at other offices, an archbishop of Canterbury or a bishop of London would be too highly paid; but no just comparison could be instituted between functionaries like these, and those holding civil or judicial offices, who drew their salaries merely for performing the duties of their office, and whose expenses ended there. The bishops were placed by the constitution among those possessing large re-

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\* See Table on next page.

# 138] ANNUAL REGISTER, 1836.

The following was the Tabular Statement referred to by Lord John Russell :—

	ESTIMATED INCOME.	PROPOSED FUTURE INCOME.	EXCESS.
	£.	£.	£.
Canterbury .. .. .	18,090	15,000	3,090
York .. .. .	10,270	10,000	270
London .. .. .	13,890	10,000	3,890
Durham .. .. .	19,480	8,000	11,480
Winchester .. .. .	10,370	7,000	3,370
Ely .. .. .	9,400	5,500	3,900
Worcester .. .. .	6,500	5,000	1,500
Bath and Wells .. .. .	5,550	5,000	550
St. Asaph .. .. .	5,500	5,200	4,110
Bangor .. .. .	3,810		
	102,860	70,700	32,160
Bristol .. .. .	2,090	5,000	Deficiency. 780
Gloicester .. .. .	2,130		
Carlisle .. .. .	3,050	4,500	1,450
Chester .. .. .	2,900	4,500	1,600
Chichester .. .. .	3,610	4,500	890
St. David's .. .. .	2,800	4,500	1,700
Exeter .. .. .	2,790	4,500	1,710
Hereford .. .. .	2,650	4,500	1,850
Lichfield .. .. .	4,350	4,500	150
Lincoln .. .. .	3,810	4,500	690
Llandaff .. .. .	1,170	4,500	3,330
Oxford .. .. .	1,600	4,500	2,900
Peterborough .. .. .	3,380	4,500	1,120
Rochester .. .. .	1,450	4,500	3,050
	33,560	54,000	20,440
Manchester .. .. .	—	4,500	4,500
Ripon .. .. .	—	4,500	4,500
Norwich .. .. .	4,700	5,000	Unaltered.
Salisbury .. .. .	5,000		
	150,340	148,400	

  

SUMMARY.				
	FROM.	TO.	EXCESS.	DEFICIENCY.
	£.	£.	£.	£.
Nine sees to be reduced	102,860	70,700	32,160	—
One see to be raised ..	4,220	5,000	—	780
Twelve sees to be raised to 4,500l. each ..	33,560	54,000	—	20,440
Two new sees at the same	—	9,000	—	9,000
Two unaltered .. ..	9,700	9,700	—	—
	150,340	148,400	32,160	30,220
	148,400		30,220	
	£1,940		£1,940	

venues; it was necessary that they should keep up a certain establishment and a certain degree of hospitality; they were set in a high station, and they were looked up to for support by their poorer brethren of the Church. It was not the plan of the church of England to pay its dignitaries a mere stipend for the performance of certain duties, nor would such a plan be desirable.

Passing to the recommendation of the commissioners for suppres-

sing collegiate and cathedral charges, and benefices without the cures of souls, he stated, that the income, which would become available from these sources, would be 130,000*l*. In making a new application of this revenue, the first regard would be given to the wants and circumstances of the parishes from which the revenue was derived. In many places the want of church accommodation was grievous. He would give the following example:—

There were in	PARISHES.	POPULATION.	CHURCH-ROOM.
London .....	4 .....	166,000 .....	8,200
.....	21 .....	739,000 .....	66,155
.....	9 .....	232,000 .....	27,327
Chester .....	38 .....	816,000 .....	97,700
York .....	20 .....	402,000 .....	48,000
Lichfield and Coventry ...	16 .....	235,000 .....	29,000
	108	2,590,000	276,382

Thus, in these 108 parishes there was church-room for less than one-ninth part of the population; and assuming the calculation of the commissioners, that there ought to be room for one-third, there was a deficiency of accommodation for 586,000 persons. There were other parishes, extremely populous,

where the spiritual wants of the people were no less inadequately supplied, not in respect of church-room, but with regard to the incomes of the clergymen, in relation to the extent of population under their care. The following instances occurred in the diocese of Chester alone:—

	POPULATION.	INCOME.
Mottram .....	15,536 .....	£219
A Parish in Manchester ....	11,821 .....	155
Oldham .....	32,381 .....	191
Runcorn .....	6,360 .....	294
Walton-on-the-Hill .....	46,642 .....	294
Kendal .....	11,840 .....	285
Heaton Norris .....	11,238 .....	116
Lees, in Ashton-under Line	4,387 .....	131
Whalley.....	3,660 .....	137
Whittle-le-woods .....	2,987 .....	40

These were only examples of what existed to a very large extent; and to make adequate provision for the clergy in parishes where a large population had grown up, would not only exhaust the 130,000*l.* to be drawn from the cathedrals and chapters, but would furnish a useful means of employing a much larger sum. This was a sufficient answer to what had sometimes been stated, that the revenues of the deans and chapters might be applied to other purposes connected with the church, and that they were not wanted for the immediate purposes of the church itself. It was clearly established by the statements he had made, as well as the report of the commissioners, that if the house were to resolve, contrary to his opinion and the recommendation of the commissioners, to take away even the whole of the revenues of deans and chapters, and utterly to abolish these establishments, yet such were the accumulated wants of many populous districts, that they could not, with due regard to the efficiency of the church, apply those revenues to any other purpose. With respect to patronage, it was proposed, that, instead of the large number of livings now in the hands of the deans and chapters, for the future they should only have the power either of appointing one of their own body, or one of their minor canons to benefices; but if they were not accepted, they should, after three months, be disposed of by the crown in some cases, and by the bishop of the diocese in others. With respect to the patronage in the hands of the crown, by which the church was connected with the state, it would be

a great evil to have the church totally independent of the state. Patronage was one of the means by which the church was united to the state, and by which the latter was bound to promote the interest and welfare of the church; and, on the other hand, the clergy were enlisted in the common cause and general policy of the state. That part, likewise, of church patronage, which was in possession of private individuals, had the effect of usefully interweaving the feelings and wishes of the parties and their connexions in the welfare of the church. That which was retained in the hands of the bishops was useful also, inasmuch as it engaged their attention towards the conduct of the clergy, and gave them the power of rewarding deserving men; and the commissioners had very fairly proposed, that the irresponsible patronage in the hands of prebends, deans, and residentiaries, should go into the hands of the bishops.

Mr. C. Lushington, member for Ashburton, expressing himself convinced of the mischievous effects of translation, and not at all satisfied that they would be removed by a bill like this, which left such glittering prizes as objects of ambition, moved an amendment on the motion for going into committee, "That an humble address be presented to his majesty, praying that his majesty will be graciously pleased to issue his commands to the commissioners appointed to examine into the state of the established church in England and Wales, to take into consideration, and report their opinion, on the expediency of abolishing the existing system of the translation of bishops from one

see to another." The question of translation, however, was almost forgotten in the discussion which followed, and which was chiefly directed to the incomes which were still to be continued to the bishops. Two very different parties opposed themselves to the bill. The dissenters and radicals inveighed against it, as a mockery of reform, which still left the church too wealthy; merely making a new distribution among the bishops, instead of a positive reduction; not only not taking enough from the richer bishoprics, but giving even what it did take to the other bishops, who were sufficiently provided for, instead of bestowing it on the poor and working clergy. A real reform, said one of the representatives of Liverpool, must begin with the democracy of the church, and assimilate it to the church of Scotland, where the clergy lived amongst the people, and for the people; whereas this bill only provided for the great ecclesiastical aristocracy. Mr. Hume had expected, that when government proposed a measure of church reform, they would have had the courage to abolish church-rates, which could not be allowed to continue without endangering the connexion between the church and state. He saw no reason why one bishop should be paid more than another, and why the practice of the church, as regarded emolument, should so materially differ from that of our civil establishments. There was, in fact, no principle in the bill. He acknowledged, that so far as its reductions went, it afforded him satisfaction; but he must protest against this being thought a final settlement of the question.

Several churchmen, likewise, expressed their dissatisfaction with the bill, on the ground that where there was superfluity, it should be applied, first, to the most needy objects; these were not the poorer bishops, but the poor working clergy, with livings below, or little above 100*l.*; and there was no reason for postponing their relief till a surplus should arise from the suppression of prebends and canonries, when it could be got from the bishoprics. Mr. Fowell Buxton said, it appeared on the face of the report of the commissioners, that there were 300 livings with incomes not exceeding 50*l.*; and thus a case was made out which required the house to consider, in the first place, how the efficiency of the inferior servants of the church might be best secured, before they looked to the remuneration of the superior dignitaries. He should be told that there was another bill for that purpose. But the commissioners said, that even if that other bill passed, the provision for the working clergy would be very inadequate. He did not grudge the bishops their incomes, because he could, of his own knowledge, state it was impossible they could be spent in a better manner. He knew them to be charitable almost beyond the extent of their means; and if the question were a plain and simple one, whether they should allow the bishops such and such incomes or not, he, for one, would not oppose the motion. But there was a greater question, what was to be done for those members of the church who were in a state of actual destitution and poverty? He could not consent to give an archbishop 15,000*l.* a year, when there were 300 clergy-

men, the aggregate of whose incomes did not amount to that sum. Here were persons whose remuneration from the church did not exceed 2s. 8d. or 2s. 9d. a-day; yet they required of them a liberal and expensive education, that their whole time should be given up to the duties of their sacred office, that they should maintain the character of gentlemen; and it was to be expected that the poorer part of the population would, in times of dearth and emergency, and, indeed, every day, make application to them for relief. Under such circumstances, before he looked to the income of the Archbishop of Canterbury, he should attend to the wants of those who were so meanly provided for; and although he was not averse to support the dignity of the church, and the episcopal office, yet when it came to a question of dignity on the one hand, and, on the other, of subsistence no greater than decency required, he could not but think that the latter ought to be first considered. He sincerely believed that the person, who had drawn up the report of the commissioners, had done so with the best intentions; but he did not agree with the proposition contained in it, of giving salaries to deans. It was proposed in the report, that the dean of Chester should have 441*l.*, and that each of the canons should have 187*l.* per annum. Now, this was not a very extravagant proposition, although the working clergy were in some instances obliged to put up with less than 50*l.* a-year; but what was to be said when 3,000*l.* a-year were assigned to the dean of Westminster, upwards of 3,000*l.* to the dean of Oxford (commonly

called the dean of Christchurch), and 4,594*l.* to the dean of Durham, while 2,000*l.* was allotted to each canon of Durham? In other words, a dean of Durham was worth ten deans of Chester, and a canon of Durham was worth a dozen of canons of Chester. Taking into consideration the state of the working clergy, and of the population with reference to religious instruction, these stipends ought to be greatly reduced. He objected to making a bishop out of the branch of some noble family, or because he had been an active political agent. He did not think that a man ought to be made a bishop, because he had been a tutor to some member of the cabinet; a man might be a very good tutor, and a very poor bishop. Neither should he be appointed to that high and important office merely because he was distinguished for learning; even these were secondary and subordinate considerations. He ought to be selected from those who, in inferior stations in the church, showed great fidelity and devotion to their sacred calling. He wished that the bill should be proceeded with, but, at the same time, to limit its operation to twelve months; and another bill could be prepared, in the mean time, which would have for its guides and landmarks the destitute condition of a large proportion of the people and of the inferior clergy, to which the incomes of the bishops must bend. They ought, in the first place, to provide for the working clergy, and then for those who were on the next step of the ladder, and having done that, to provide for the religious instruction of the population.

Sir R. Peel wished that mem-

barr, who spoke of the proposed measure as only making better provision for what they called the aristocracy of the church than for its democracy, would look at the manner in which the present state of inequality operated, and even the way in which the present mode of dispensing church patronage was exercised. He would take some of the first names in the red book—the archbishop of Canterbury, the bishops of London, Durham, and Winchester; and he would beg to inquire, if these prelates had been advanced to their high dignities from any considerations connected with the feelings or the influence of aristocracy? Was it not a matter of the most perfect notoriety, that they had risen by reason of their learning, their virtues, and their other eminent qualifications? Surely, with facts such as these before the House, they could not for a moment doubt that the democracy of the church would feel that their interests had been as fully considered, and as effectually promoted, by the translation of those distinguished persons to the highest situations in the church, as if all the church livings were brought to the one uniform standard of 400*l.* or 500*l.* a-year. He admitted that the measure would still leave apparent inequalities in the church, differences in the actual amount of the emoluments received; but no man, having the most moderate acquaintance with the affairs of the church, could entertain a rational doubt that an exact and uniform scale of emolument would lead of necessity to substantial inequality, owing to the different circumstances affecting the several bishops in the re-

spective sees. The only mode of making the emoluments really equal would be, to accommodate them to the varying circumstances of each individual see. This inequality could be defended upon another ground—namely, that our various civil establishments were marked by similar inequalities. He had not overlooked the objection, that the measure left enough to excite ambition in the members of the episcopal bench. The real question, however, was this—were they prepared to separate the higher classes of the clergy from any interference in political affairs—to deprive them of all means of giving effect to political opinions—and to prevent them coming in contact with those to whom the business of politics more properly appertained? He would say, no. On the whole, it was highly advantageous that they should not be altogether disqualified for the management of political concerns; and under certain limitations, it was most right and proper that they should be immediately connected with public affairs; for were it otherwise, they would be infinitely less enlightened, infinitely less liberal, infinitely less qualified even for their spiritual duties. He, therefore, could not bring himself to consent that they should be deprived of that share which they at present took in the public affairs of the country.

The amendment directed against translation was rejected by a majority of 124 against forty-four. The bill passed through committee on the 12th and 14th. Not satisfied with the provision in the bill which directed the commissioners therein named to prepare a scheme for preventing Welch benefices,

where the majority of the inhabitants did not understand English, from being filled with incumbents who did not understand Welch. Mr. Jervis, member for Chester, moved an instruction to the committee, that no clergyman, not fully conversant with Welch, should be appointed to any see or benefice in Wales. Lord John Russell remarked, that if this proposal were adopted, it would be necessary to govern Wales almost entirely in Welch. Having amalgamated the principality with England in respect to institutions, we should likewise endeavour to do so in regard to language. If pastors were required to understand Welch, so should judges. Sir Robert Peel and Mr. Goulburn also suggested to the mover, that he should be satisfied with the recognition of his principle which the bill contained. Many details were necessary to carry out the principle of such a provision, and the rejection of the motion might produce an erroneous impression regarding the opinion of the House. All were agreed that Welch clergymen ought to understand the Welch language; but it ought to be recollected that there was an university which particularly directed its attention to that object, and if the matter were left to those who had the charge of the Welch sees, it would be properly managed. Mr. Jervis, however, divided the House, when his motion was lost by a majority of ten, being supported by sixty-four members, and opposed by seventy-four. Mr. Lambton, member for Durham, raised the question whether the sums taken from the rich bishoprics should go, in the first place, to increase the smaller, by moving,

That no portion of the revenue of the see of Durham should be devoted to other ecclesiastical purposes, until the spiritual wants of that diocese should have been provided for out of them. The answer of ministers was, that for the instruction of the poorer classes there was a surplus of 129,000*l.* arising from the deaneries and stalls. The commissioners had recommended that the income of deaneries should go to the improvement of benefices and the instruction of the poor, and that the richer canonries should be connected with the cure of souls. Would it be fair towards the church to neglect these recommendations? The income of the bishopric of Durham was not intended to be made available for the purpose of creating two new bishoprics; it was not correct to describe them as new creations; the case was one of the substitution of two bishoprics for two now in existence. There were other changes in the state of the church recommended by the commission, which it would be impossible to carry into effect with any appearance of consistency, if they were to proceed otherwise than as the bill proposed. How could they diminish the income of the diocese of London, and permit all the revenues of Durham to remain? The motion was rejected by eighty-six votes against eight.

On the bringing up of the report, the opposition, proceeding principally from the ordinary supporters of government, and most of all from their radical supporters, who considered any measure which left the church flourishing on a mere popular basis would stand in the way of their own peculiar doctrines of reform, renewed their

opposition, and Mr. Hume moved that the report of the bill should be considered that day three months. Since the question of church rates was to stand over, there was no reason for pressing forward a measure which would give a board of commissioners the power of doing what they pleased, and which paid bishops and archbishops better than judges. Others wished its rejection, because, by adopting the recommendations of the commissioners, it not only did not concede, but refused, the abolition of translation, the expulsion of bishops from parliament, the farther reduction of their incomes to pay the inferior clergy, and other matters, such as the amendment of the liturgy, all of which ought to be included in any proper and comprehensive plan of church reform. Another section joined in the opposition, both on account of the character of the measure, and because, in their opinion, it had been pressed forward with indecent haste, before either the bill, or the report, on which it was founded, had been sufficiently considered by the house and the country. Sir Robert Peel and lord John Russell defended the bill, and the latter said, in answer to the charge of improper haste, that the first report of the commissioners had been presented to parliament, before the late administration went out of office. That was 15 months ago, and the report contained this very plan. It stated, generally, that the two archbishoprics and the bishoprics of London, Durham, and Ely, should have higher incomes than the rest, and that the average income of the other bishoprics should be 4,500*l*. If, after 15 months, there had been no strong opposition made by the

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clergy, or by the inhabitants of the dioceses affected by this plan, it was too much now to say that members were taken by surprise by this bill being introduced. Even the second report had been presented on the 10th of February; and the bill had not been introduced till the 20th of May. Mr. Hume's motion was rejected by a majority of more than two to one.

Mr. C. Buller, member for Liskeard, then moved a clause to the effect, that until due provision should have been made for the adequate payment of the parochial clergy, and for the supply of religious instruction to those parts of the country stated in the report of the commissioners to be destitute thereof, the archbishop of Canterbury should receive an income of not more than 8,000*l*., the archbishop of York 7,000*l*., the bishop of London 4,500*l*., and each of the other bishops 4,000*l*. The report itself, he thought, rendered this indispensable; for it contained the following statements:—Resident curates employed by resident incumbents, 1,006; average stipend, 86*l*. per annum; non-resident, 4,224; average stipend, 79*l*. per annum; total, 5,230, average stipend, 81*l*. per annum. The object ought to be to provide for the working clergy first, but ministers had acted on a contrary principle. They had first provided large salaries for bishops; not only large salaries, but unequal salaries—temptations of all kinds—salaries of 4,000*l*., 5,000*l*., 8,000*l*., up to the archbishop of Canterbury, with 15,000*l*. He would equalise the incomes of all bishops, except the bishop of London, who was obliged to live in the metropolis, where

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the expense was somewh a treat-er. The salaries were too high, not only in themselves, but in relation to the working clergy. He had taken the scale of the highest paid profession in the country, that of the law, and, setting aside the lord Chancellor's salary, he took the highest incomes in the legal profession, and proposed to allot equal money to the bishops. He proposed that the archbishop of Canterbury should have the same income as the lord Chief Justice of England, who incurred the expense of two circuits in the year. He would reduce the archbishop of York to 7,000*l.* a-year, the income of the chief justice of the Common Pleas. When the mastership of the rolls was vacant, the government was considered to have one of the best offices to give away; some would prefer it to that of lord chancellor; and the salary of the master of the rolls, was 7,000*l.* a-year. The duty performed by the archbishop of York was not so severe as that of the master of the rolls, and his patronage, after all the curtailing it had undergone, was greater. The bishop of London, he would equalise with the salaries of the common law judges; and to the bishops in the country he proposed to give 4,000*l.* a-year. Ministers, of course, resisted the proposition, and it was rejected by 82 votes against 44.

This resistance, however, seemed only to increase the obstinacy of the opponents of the bill—of those, at least, who opposed it either, professedly, because it left to the dignitaries of the church too much, or secretly because it gave no part of the church revenues to purposes other than those of the church, held out no hope of eccle-

siastical wealth being otherwise employed than in remunerating ecclesiastical teachers, and diminished their points of attack against the very existence of an episcopal hierarchy. Neither was their bitterness mitigated by the consideration that they were resisted by the government which they supported. On the motion for the third reading of the bill (July 19), Mr. Hume moved that it should be read a third time that day six months. It was impossible, he said, that the bill could pass; and if ministers thought it would be passed they would find themselves much mistaken, and do great injury to the liberal cause which they proposed to advocate. This was not a bill to be passed, while the pledges of government, in regard to church rates, remained unredeemed. That was a question, said Mr. Lennard, member for Maldon, which the Dissenters were resolved to take into their own hands; and as to this bill, it contained nothing of the least value, except the prohibition against future grants *in commendam*, which was far more than counterbalanced by the evils which it actually confirmed. It did not even provide for any future surplus which might arise upon the sees. It only made the larger sees contribute towards the smaller sees, to a certain amount. Then it left untouched all the gross and glaring inequalities among even rich livings—livings varying from 4,800*l.* down to 1,000*l.* per annum. Why neglect this opportunity to equalise livings by increasing the smaller from the larger? Mr. Buxton could not help thinking the bill impolitic as a piece of legislation and dangerous to the church, because it

made no provision for the poorer benefices, left untouched the great evil of inadequate means of religious instruction in so many places, and gave the archbishop of Canterbury 15,000*l.* a-year, and where 10,000*l.* was sufficient, though there was so much to be done with all that could be saved. Even sir Robert Inglis joined the opposition, though for very different reasons—because he thought that the bill went too far, and gave a vantage ground to those who thought it did not go far enough. Mr. C. Buller declared that it was insanity in ministers, by persisting in this measure, to alienate their supporters, for the sake of carrying into effect the recommendations of a commission formed by and during the government of their political rival. They were working out and accomplishing the designs of the last administration. A political manœuvre had rendered unavailing the series of victories over sir Robert Peel, which drove him from office; and though he had not the salary, which to him was of course a consideration of no moment, yet he enjoyed all the substantial power of office, for the present government were adopting his measures. This bill was only one of three which must be taken together as one whole. By one of them ministers professed to abolish, when in fact they legalised, pluralities. By another they professed to reform the church in its higher offices, and they legalized translations. They complained of the unequal incomes of the bishops, yet left them much larger than they ought to be, and confirmed their inequality. They were pursuing a course similar to that which gave their opponents

a temporary possession of the councils of the sovereign in 1834, and from which the cause of reform would materially suffer.

This called up lord John Russell. He admitted at once, he said, that he had never viewed the present measure as a party question. He had all along thought it an object of great importance to the country, that there should be such a reform in the church as should come recommended to the people by the heads of that church. It might be true, that where the chance of obtaining concession was remote and uncertain, the best course was to make the largest demand that the justice of the case permitted. But the matter was completely different when there was a near and assured prospect of gaining a certain and definite advantage; and in this case the advantage was a reduction in the revenues of the bishops, and in the number of the chapters and the incomes enjoyed by them. He might, no doubt, have contended that the archbishop of Canterbury should have only 8,000*l.* a-year, and the bishop of London 4,500*l.*; and he might perhaps in that way have proposed to effect savings to the extent of 25,000*l.* a-year or thereabouts; but then he should have lost all chance of carrying the bill. The course he had taken was infinitely better calculated to advance the progress of reform. He found a disposition on the other side of the House to yield to a certain extent to the spirit of the age; and surely, though he could not accomplish all that he might desire, it would be unwise not to avail himself of the advantages which really were within his power. It was an extreme misrepresen-

tation of the measure to describe it as legalising translations, when in fact it must be obvious to every one, who took the trouble to make himself acquainted with its provisions, that it went very far to reduce and equalise the incomes of the bishops, and that it almost did away with translations. As to the revenues of the reduced sees being applied in relief of church-rates, he must say, that appeared to him most objectionable, so long as there remained a number of small livings requiring augmentation — so many below 100*l.* a-year. The total abolition of pluralities was, under present circumstances, extremely difficult; especially in the cases of small livings near each other. It did appear to him much better that one clergyman should have 110*l.*, than that two should have 50*l.* or 60*l.* each. In addition to all this, he must defend the measure on the ground that it involved a most important principle of reform — namely, that it did imply the right of Parliament to superintend the administration of the revenues of the church. This he considered a great benefit; and as to the advantage which it was calculated to operate in the condition of the church itself, the circumstance of the heads of the church themselves coming forward to make the necessary concessions could not fail more warmly than ever to attach to the establishment the great body of the people of England. Upon these general grounds he was resolved to persevere with the bill.

This declaration did not prevent Mr. T. Duncombe, one of the members for Finsbury, from bitterly reproaching ministers for

their supposed dereliction of principle. They might talk as they chose of their Irish tithe bill and their appropriation clause; but English church reform would be the touchstone by which it would be tried, whether they would retain the confidence of the country. The debate was at length adjourned, amid some anger and confusion, not till next day, but to the 22nd; and ministers had time to consider how they might contrive to ride this whirlwind. Even on the 22nd, it happened, or was contrived, that no House should be made; and on the morning of that day, the home secretary assembled a meeting of the leading recusants, and other radical supporters of the government. His lordship was said to have threatened to resign, if he was defeated in this measure; but his antagonists refused to yield, probably feeling convinced that the aid of the regular opposition would prevent the latter of these events from occurring. It was likewise alleged, however, and it seemed to be confirmed by what subsequently happened, that Mr. O'Connell agreed to prevent his adherents from voting against government; although, with his opinions, nothing ought to have appeared to him more grievous than the revenues which were still to be preserved to the Protestant episcopacy of England. On the 25th, lord John Russell again moved the third reading of the bill. He stated that ministers could not abandon it with any regard to their own opinions of its merits, or even to a sense of honour; but as many members had represented that they had not sufficiently considered these measures of church reform, he would not proceed with the bill for suppress-

ing a certain number of offices in cathedral and collegiate churches, and for regulating the future application of their revenues. Mr. Hume adhered to his amendment that the bill should be rejected; but ministers being supported by the conservatives, the third reading was carried by 175 against forty-four. Mr. O'Connell, and some other Irish members, voted for the bill; none of them, with one exception, voted against it. Shortly afterwards, the bill regarding pluralities and non-residence, which had come down from the Lords, was likewise dropped for the Session.

On the second reading of the bill in the peers, the bishops of Exeter and Hereford expressed strong apprehensions of the consequences of the bill; although, as the House was almost unanimous in its favour, they would not occasion any vote. The former prelate entirely approved of the object of the bill, which went to put an end to the practice of commendams, and to discourage the practice of translation. He thought, too, that nothing could be better devised than the plan of distribution, because nothing was taken from any other rank of the clergy than the episcopal. But he did certainly wish that no larger machinery than was necessary had been set on foot. He thought that all that was necessary was, that a commission should be created by parliament to carry into effect the objects recommended by the report of the ecclesiastical commissioners. There was in the bill, as it now stood, an inclination to a perpetual change; because a machinery calculated to produce a perpetual change was to be established; and to that part of the bill he did not feel

disposed to consent. He lamented also that this commission was to be made a corporation, because there was no reason why it should be so, except for the purpose of making perpetual changes. It would have been quite sufficient to appoint the commissioners for the period of time which would be necessary for the purpose of carrying into effect the preamble of the bill. The commissioners being subject to removal at the pleasure of the crown, would necessarily become a political body, liable to shift and change with the change of governments and the variations of political influence. They would therefore be exposed to the temptation of using their power for political purposes. The bill enacted that the commissioners should prepare and lay before his majesty's council such schemes as were calculated in their view to carry into effect the recommendations of the report. From these words, coupled with certain recommendations, it appeared to be possible that the commissioners might recommend some scheme which would destroy the independent character of the clergy, and make them stipendiaries of the state; and that measures might be proposed which would enable the commissioners absolutely to grasp the whole of the church lands and estates. He considered that to be possible; but he did not think it had been gravely intended by the present commissioners that such schemes should be proposed. The bishop of Hereford said, that he entertained great apprehensions of the consequences of the changes which this measure was designed to make in the church, and which he thought were calculated to

destroy its independence. He believed that the effect of the bill would be to render the clergy mere stipendiaries of the state. Although such a proposition was not positively stated in the bill, it must follow as a necessary consequence; for the man, who was not at liberty to hold and administer his property himself, but was amenable to a tribunal which had the power to examine into the amount of his property, and to say to him—"Beyond this you must not go; deliver the rest to me"—he could not conceive to be in any other state than that of a dependent person. Was that the intention of the church commissioners? The archbishop of Canterbury explained that this was a misapprehension. A certain payment was to be charged upon the larger sees, with a view of leaving them, on the average, as many thousands a-year as were stated in the bill; but the whole management of their own property was left to them, subject to the regulations prescribed. Suppose, for instance, the archbishop of Canterbury's income was estimated at 18,000*l* a-year; he would be charged a tax of 3,000*l*., in order to reduce it to 15,000*l*. a-year on the average; some years it might be more and others less. When the bill passed into a law, he would have to pay 3,000*l*. a-year for the next seven years, when a revision would take place; and in proportion to the varying increase or diminution of the revenue, the tax would be augmented or decreased. This was nothing but a mere tax, and nothing that in the slightest degree would take away from a person's independence in the management of his own income. The Lords, on the 5th of

August, agreed to the bill; an amendment proposed by the bishop of Exeter, for the purpose of preventing the commissioners being a perpetual corporation, having been rejected.

We have stated that ministers dropped the bill, founded on the recommendations of the commissioners, for reducing the chapters of cathedrals and collegiate churches, suppressing, under certain exceptions, benefices without cure of souls, and altering the distribution of ecclesiastical patronage. A short act, however, was passed, in order to prevent the creation in the mean time of any new vested interests, by providing generally that all future appointments to any ecclesiastical dignity or office referred to in the recommendations of the ecclesiastical commissioners, should be subject to such regulations as might subsequently be enacted regarding them, and that no appointment should be made to any canonry or prebend of cathedrals and collegiate churches, nor to any sinecure benefice not in the patronage of private persons or of one of the universities, that was now vacant, or might become vacant during the continuance of the act, which was limited to a year, and to the end of the next session of parliament. Various canonries and prebends were excepted, being principally those which are attached to professorships and dignities in the universities. The canonries of York, St. Paul's, Carlisle, Chichester, and Lincoln, and prebends held by the bishops of Lincoln, Lichfield, Exeter, and Salisbury, in their respective sees, were likewise excluded.

By another act, the secular jurisdiction of the county pala-

time of Durham, with all forfeitures, mines, treasure-trove, and other rights belonging to that authority, were transferred from the bishop of the diocese, and vested in the crown. The county court was abolished, although considerable efforts were made to save it, on the ground of its utility to the inhabitants. It was likewise declared that the bishop elect, or any bishop for the time being, should take and hold the see, subject to such provisions as parliament might make regarding it within three years from the passing of the act. By another similar measure, the secular jurisdiction of the archbishop of York over the liberty of Ripon and certain other places in Yorkshire, and the stoke of Southwell, in Nottinghamshire, and the secular authority of the bishop of Ely, over the isle of Ely, were separated from the sees, and transferred to the king.

A bill "for imposing certain restrictions on the renewal of leases by ecclesiastical persons," likewise passed into a law. It provided, that where an existing lease had been granted for more than two lives, no renewal of it should be given till one or more

of these lives had expired; and that even then, the renewal should be only for the surviving lives, or for such new lives as, with the survivors, would make up the number of lives, not exceeding three, for which the lease had originally been granted. Where the lease had been granted for 40, 30, or 21 years, it was not to be renewable till 14, 10, and 7 years respectively of the original term had expired; and where it had merely been for years, no new lease was to be given for a fewer lives. It was farther required that all leases should contain a recital setting forth, in the case of a lease for lives, the names of the persons mentioned in the original lease, as those on whose lives it was granted, and specifying such of these lives as were still existing, or had been exchanged for some other life. If the lease had been for a term of years, the recital was to set forth that term, and how much of it still remained unexpired. It was declared that every such recital, so far as related to the validity of the lease containing it, should be deemed and taken to be conclusive evidence of the matter so recited.

## CHAP. V.

*Bill to amend the English Municipal Corporation Act—Amendments of the Lords—Bill for governing Charitable Trusts by popular election, rejected by the Lords—The Commons reject the Lords Amendments on the Corporation Bill—Conference between the Houses, when the Lords insist on their Amendments—Free Conference between the Houses—The Bill abandoned by the Commons—Bill to allow Felons' Counsel to address the Jury—Amendments of the Lords—Bill to lengthen the time for the Execution of Murderers—Bill to remunerate Medical Witnesses before Coroners' Inquests—Abolition of Imprisonment for Debt—Proposed Bills for the Reform of the Court of Chancery.*

WHEN the English municipal act came into operation in the end of 1835, it was soon found, as was not unnatural, that some of the details of its machinery would require to be amended; and a bill for that purpose was brought in early in the present session. In some instances the mayor or other corporate officers had been elected, when the person presiding at the election was not legally entitled to preside; and the bill enacted that, notwithstanding this, all such elections, and all acts done by the officers so elected, should be good and valid. The act directed that elections should be held before the mayor and assessors, but in some instances there had been elections where there were no assessors, in consequence of the appointment of the latter taking place at a later period; this

bill proposed to declare, both for the past and the future, that elections held before the election of assessors, but with the mayor or councillor presiding, should be as effectual as if they had been made before the mayor and assessors. The act provided that the councillors, who should go out of office, were to be those who had been elected by the smallest number of votes, and if the votes had been equal, the majority of the council was to determine who should first go out. This did not provide for the case where there was no division of votes, in consequence of there having been no contest, and that case was now to be provided for by enacting, that the majority of the council should select their outgoing colleagues. Neither did the act provide for the event of the town-councillors being equally

divided in the election of mayor or alderman; and instances had occurred of two parties in the council dividing against each other till twelve o'clock at night, after which no election could take place, as the day named in the act had expired. It was now proposed that, in such a case, the councillor, who had the greatest number of votes at the election, should preside, but without any casting vote, and that when the councillors could not agree on a mayor or alderman, the election should be referred to the constituent body. The act had abolished various corporate officers without observing that, by the charter, their presence was necessary at the sessions. Thus serious doubts had arisen as to the legality of the proceedings at the sessions, before the new officers entered upon their duties under the act of parliament. To cure this it was now to be declared, that any court, held since the passing of the act of last session, or before the 1st of May, 1836, in presence of the recorder, or any two persons who, at the date of that act, were entitled to act as justices for the borough, had been well and lawfully held. The bill went still farther. Many of the municipal election had been questioned by proceedings in the King's Bench, as having been illegally and invalidly made. It was now proposed that these causes should be decided in favour of one of the parties by act of parliament—that the proceedings should be quashed, and the suits prohibited, by enacting that the defendants should have the right of getting them discontinued on making payment of costs.

When the bill, having passed

the Commons, came to be read a second time in the House of Lords, the duke of Wellington and lord Lyndhurst pointed out the grave consideration, and careful examination, which many of its enactments would require. Lord Lyndhurst called the attention of the House particularly to the tendency of those provisions which had a retrospective operation. It appeared that suits at law were in dependence, in which the validity of certain elections was questioned: this bill not only declared generally that these suits should cease, and the elections be considered legal, but it enacted that elections should be valid, even though they should have taken place before a presiding officer, who had no legal title to preside. Look at the consequence of this on the rights and interests of other persons, who, up to the time of these elections, had held offices of trust and profit, from which they had been expelled by others, who, being illegally elected, had no right to expel them, and who were now holding a possession which they never ought to have had. The persons so expelled ought to have been holding office at this moment; all that they might have received, if they had not been thus ousted, was their lawful property; and if the illegal elections were validated, retrospectively, as at the time when they took place, these persons would be deprived of emoluments, which by law they ought to have received. Nay, where they had sued out a *quo warranto*, they were to be made losers; for the bill quashed the proceedings on the defendant paying merely taxed costs, and taxed costs never indemnified a party. Another con-

sequence would follow. By the municipal act, the newly chosen councillors, or officers, were entitled, if they were legally chosen, to demand possession of these muniments and property of the corporation. Now, the officers who questioned the validity of the elections had refused, in several instances, to give up the muniments; if they had surrendered them to persons not duly and regularly elected under the act, their conduct would have been treated as illegal in a court of law. The same act inflicted penalties on them, if they did not give up the muniments to the town-council and mayor. Thus these officers, who were perfectly justified in what they had done, would be declared, by the operation of this bill, to have acted illegally, and would become liable to penalties. In regard to the quarter sessions again, in many instances they had been improperly and illegally held under the new act. They had sat, however; they had tried and convicted; they had sentenced individuals to transportation, and forfeited their goods and chattels to the crown—all this illegally. But the present bill legalized these proceedings; there was to be no new trial; but, by the retrospective operation of this bill, the man, who had been illegally convicted, was to be treated as if he had been legally convicted. These examples would show the House how necessary it was to weigh carefully the principles and provisions of this bill.

After the bill had been read a second time, therefore, it was referred, with the acquiescence of ministers, to a select committee, instead of going at once into a committee of the whole house, the

character of the objections rendering a select committee a much better mode of considering them. That committee made various amendments upon the bill, all of which were afterwards unanimously agreed to by the house, and adopted into the bill; the conservative peers, as the duke of Wellington stated, giving up their opposition to some of them, on the understanding that ministers acquiesced in the others, in order that there might be no division in the house.

When the bill returned to the Commons, they agreed to all the amendments except two. The first was an amendment on the provision that when the town-council was equally divided in the election of mayor or alderman, these officers should be chosen directly by the constituent body. The Lords had altered this into a provision that, in case of equality, the town-council should first of all name by lot one of their number, to preside at the meeting, and that this presiding councillor should have a casting vote. The second amendment consisted in the insertion of a clause to continue for another year the arrangement contained in the municipal act for the management of charitable trusts. No portion of these new institutions had produced greater jealousy between the parties; the popular party being eager to get hold of them, while the other, who put no great faith in the impartiality of popular justice, or the sternness of democratic honesty, insisted on some arrangement, which would prevent the funds of charities from being prostituted to party purposes by a political corporation. This jealousy prevented the final settle-

ment of the matter in the municipal bill itself which left these charitable trusts in the hands of the persons then administering them, till the 1st of August 1837, unless parliament, in the mean time, should otherwise provide; and if it did not, then the lord chancellor was to appoint new trustees.

Mr. Smith, member for Northampton, had accordingly brought in a bill to administer these trusts by a system of popular election. The town-council of each borough was to fix the number of trustees, and then the trustees were to be chosen by the municipal electors, each elector voting for only half of the number, in the idea that this would give both parties an equal chance. The trustees were to be elected every three years. This bill had not passed through committee in the Commons, when the present municipal bill was sent up to the Lords, and it proceeded upon a system which their lordships were not likely to entertain. They had therefore inserted in the municipal bill a clause, continuing for another year that administration of these charitable trusts which had been admitted into the original corporation act. The attorney general moved the Commons not to agree to this amendment, as the popular plan of control contained in Mr. Smith's bill would soon pass; and he also moved that they should not agree to the amendment regarding the election of mayor and aldermen when the town-council were equally divided, on the ground that it left to chance, and not to the voice of the people, which should be the predominating party in the corporation. He thought, moreover, that when the town-council found they would lose the

right of election altogether, if they continued divided, they would most probably compromise their differences. The motion was agreed to, and the reasons of the Commons for disagreeing to these two amendments were communicated to the Lords at a conference, in the usual way.

When these reasons came to be considered by the Lords (July 18), the duke of Wellington contended that the rejection of their amendments was a departure from the principle on which he and his friends had waived all opposition to the decision of the committee above stairs, and had consented to adopt the amendments as that committee had framed them. The amendments had been adopted by the peers opposite, and had been acquiesced in by those on his side of the house for the sake of unanimity; and therefore he could not but feel surprised that no measures had been taken to insure a similar decision in another place. Lord Melbourne discovered that in this there was something unparliamentary and unconstitutional, because no decision of a committee of the Lords could be binding on the Commons, and it was new to him that any set of men in that house had the power of destroying the independence of parliamentary proceedings. The duke of Wellington answered to these truisms, that he had not said a word about the right of the House of Commons to interfere with their amendments; he had spoken only of the course which ministers pursued regarding them. In the House of Lords, the lord chancellor acquiesced in them; and in consequence of that, others were not opposed: yet it was the government's attorney-general that moved their rejection in the House of Com-

mons. The Lords adhered to both of their amendments, (July 1) 1.

On the 28th of July, the bill of the member for Northampton for administering the charities by popular election, passed the Commons, and the second reading was moved in the Lords on the 4th of August. Its provisions have been already mentioned. The duke of Wellington opposed it, as unreasonable in the circumstances, and bad in itself. When this subject was under their consideration last year, a clause had been inserted by which the persons, who now administered the charitable trusts referred to, were to continue in power until the 1st of August in this year. The object of that provision was to give lord Brougham, whose absence they all lamented,\* time to consider of a measure for the future regulation of those trusts. He agreed in that proposal, because he felt that there was no man in this country who had given so much of his attention to that subject, and who was, therefore so capable, or at all events more capable, of producing a proper measure for the administration of those trusts hereafter. For that reason their lordships had inserted a clause in the present bill, to continue the existing trustees for another year, in order to give time to that learned lord to come into his place in that house, and to propose a measure for the future administration of these trusts; or, if he should unfortunately not be able to attend in his place, that some other person might place such a proposition before their lordships, as would be worthy of their adop-

tion. Thus, because, in point of fact, the house now stood precisely in the same position in which it did last session, because provision had been made for the temporary administration of charitable trusts—that was to say, up to the 1st of August next year, no step had been taken which could prevent any measure from being proposed; the question was left fairly open. As to the present bill, the object of which professed to be to appoint trustees for the better management of those charities which had been left by beneficent individuals to their fellow-citizens, and which he believed had been generally well managed, he did not expect they would be much better administered hereafter. The mode of electing trustees was similar to that of electing assessors under the Municipal Corporation Reform Act. But there was a wide difference in the nature of the offices; the duties comprised not only a regular mode of keeping and auditing the accounts, but the administration of the patronage of the charities; and he was not disposed to give that administration to either party in these corporations. He regretted exceedingly that corporations had been formed on party principles at all; but he objected still more to those parties being invested with a power over the patronage of these charities; and he believed that lord Brougham had that object principally in view, and wished to prevent the patronage of those charities from being at the disposal of parties in corporations.

Lord Melbourne admitted that the administration of these funds had been left for a year under their former system of administration, in order to enable lord Brougham

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\* Lord Brougham, in consequence of indisposition, was absent during the whole of the session.

to bring in a bill; that measure, he believed was intended to apply to the superintendence of the general administration of charities, and to give a more easy remedy for malfeasance in them, than the law now afforded: but he apprehended that it was not the intention of his noble and learned friend entirely to supersede the whole local management of these charities, for there must be some local authority, some persons on the spot to administer them. He admitted likewise, that a similar temporary proposition had been agreed to this session; but it was understood that that arrangement was not to interfere with legislation, or to bear upon any measures that might come up from the other house in the course of the present session. Therefore he considered that the clause alluded to ought not to be pleaded as a reason why they should not proceed with the second reading of this bill, which was sufficient to prevent partiality and abuse in the administration of the charities. If any improvements upon the plan were desirable, let them be proposed in committee. It was highly necessary that those charities should be administered justly and prudently; and that they should not be made evils instead of benefits, by being applied to party politics and purposes of corruption. Lord Lyndhurst maintained, on the contrary, that partiality and abuse, and party influence, instead of being removed by this bill, were the very mischiefs which it would produce by vesting the choice of the trustees in the municipal electors. But, forsooth, this precious device had been hit upon—namely, that each elector should not vote for more than one-half of the trustees; the consequence

would be, that the trustees would be elected on party principles, and conflicts would be produced among them of a bitter and irreconcilable character. Nothing could be more absurd and inconsistent. There was another device; the mayor was to be chosen as chairman in the event of a disagreement, and to have the casting vote. From what had occurred recently in different parts of the country, they might guess to which party the mayor would belong; and the consequence would be, that the mayor would give his casting vote in favour of his own party. A stronger objection to the measure was to be found in the fact that the greater part of the charities belonged to members of the established church; and the bill would admit Dissenters into the management of those trusts. He meant no reflection upon Dissenters, but he objected to their being appointed to manage charities belonging to the establishment. Indeed, the bill seemed to be calculated to further the objects of those who were the advocates of the nibbling and innovating schemes of the day. The case of Louth (Lincolnshire) might illustrate the character of this measure. Petitions had been laid on their lordships' table, in which the people of Louth did not complain of the manner in which the grammar-school was conducted, but they wished it to be turned into a commercial school for general accommodation. That single case might be taken as a key to the whole project. It was intended to give the Dissenters a control over funds belonging to members of the established church. The second reading of the bill was negatived by a majority of 39 to 22.

As the Commons still refused to

agree to the clause, similar to that of last year, which the Lords had inserted in the bill, there seemed to be no alternative but to drop the bill; thus bringing into operation the jurisdiction of the lord chancellor. The lower house, however, resolved to adopt one course which was still open to them, that of a free conference, at which the matter in dispute is, or may be, debated between the managers *viva voce*. It could scarcely be any confidence entertained by the Commons in the superiority of their own powers of argument and oratory over those of the men whom the House of Lords could put forward, that urged them to this expedient. On the 10th of August, they sent a message to the Lords, requesting a free conference on these amendments. On account of the novelty of the proceeding, of which no instance had occurred since 1740, the consideration of the message was postponed, on the motion of lord Melbourne, till next day, when the conference was granted. It passed off, however, without any discussion; lord John Russell having briefly stated that the Commons adhered to their disagreement from the amendments; and the earl of Ripon having as briefly answered that they would receive the serious consideration of the House of Lords. Mr. Hume, who had expected a debate, waxed wrath at this mode of doing business. He had understood, he said, that when a free conference was demanded, the questions at issue were to be argued, reasons assigned on both sides, and that by this means the difference, if possible, was to be accommodated. He had attended the conference, and he saw no difference between the present conference and others, except

that in other cases a written paper was delivered to the managers appointed by the other house, instead of a short speech, as on this occasion, from the noble lord. It appeared to him that, of the two, the old custom of having a written report was the best. The proceedings just concluded had been little better than a mere farce, and not calculated to lead to the object which they had in view. He could not believe that their ancestors, if on any occasion they differed with the Lords, would have been satisfied with such proceedings as they had just gone through. Lord John Russell explained, that the practice, in former times, with respect to free conferences, certainly was, that both the Commons and the Lords stated freely their different opinions as to the subject matter; but it was always in the power either of the managers for the Lords or the managers for the Commons to break off the conference, and defer it till another time. The last precedent, which he had now before him, occurred in April, 1740. On that occasion, after the managers for the Commons had stated the reasons which induced them to disagree with the other house, the managers for the Lords acquainted those for the Commons, that as new matter, respecting which they had no instructions, had been offered to their consideration, they could not take on themselves the responsibility of giving an immediate answer to it, but would communicate to the Lords the reasons which the Commons had assigned for disagreeing to their lordships' amendments. What was done then was, in fact, what had been done on the present occasion. Certainly a longer speech had been then made than he had

made at the conference just terminated. It seemed to him that it was far better, as there had been no free conference for a long time, not to enter much into matters likely to provoke debate. Even if he had done so, it was in the power of the Lords to refuse to make any reply; it was competent for the managers for the Commons to make any speeches they thought proper, but not to oblige the Lords to answer them. It was always in the power of the managers for the other house to say, "We will acquaint the lords with your reasons, which shall be maturely and deliberately considered, before we make any reply."

In the Lords, lord Lyndhurst, after this first stage of the free conference, moved that the house should insist on its amendments. In regard to charitable trusts, the matter had come to this, that, for the next year, they must either continue in the same hands in which parliament itself had placed them last year, or be administered by trustees named by the lord chancellor; and no rational man could doubt that the latter was the less desirable course. Before the chancellor could appoint, it would be necessary for every one of the charities to present to him a petition,—that being done, he must then consider the matter and prayer of the petition—it would then be referred to the master to appoint new trustees—for that purpose the master must be attended by parties interested—evidence must be heard—after a long litigation the Master would make his report—that report would come under the consideration of the chancellor, before whom it might be again discussed, and, on opposition, sent back to the master to review; and it was only after

all this waste of time, and expensive litigation, that the chancellor might at last be in a condition to make his order. Thus it was manifest, that, for the mere purpose of appointing trustees, much time would elapse and great expense would be incurred. Of that expense the greater part would necessarily come out of the charitable funds, many of which were so small (as every one who had read the report of the commissioners must know) that the expenses of such controversies as he had described would wholly exhaust them. If it were inconvenient, as suggested by the other house, that the present trustees should be continued for another year, how much more inconvenient was the alternative, namely, that the trusts should be administered by the lord chancellor, attended, as that administration would be attended, by all the circumstances to which he had adverted. And what was the other proposition to which this was preferred?—Simply to continue for a year the existing management. These managers had been parliamentary trustees during the last year. Nothing had occurred to render them not trust-worthy for another twelve months. There existed not the slightest evidence of misconduct. No complaint had been made against them, though it was open for any one to do so. Nay, it seemed almost impossible, considering the situation in which these trustees were placed, that they could have misconducted themselves, or attempted to have done so, even if they had been so disposed; for in every place they had been watched with most vigilant eyes by persons most desirous to find fault with their conduct. If, therefore, these trustees were

deemed fit to be trusted last session—if they were then trusted with the entire concurrence and approbation of the other house of parliament what ground was there now for saying that they were incompetent to discharge the trust for another year, while, during the past year, they had conducted themselves honestly, faithfully, and honourably? Rather than do this, the Commons preferred a Chancery administration; and with them let the responsibility rest.

As Mr. Hume had expected, at the conference, a harangue from the managers of the Commons, so lord Melbourne seemed to be offended at the managers of the Lords, for not having addressed to the representatives of the Commons, the arguments now pressed upon the House of Lords. Considering, he said, that this had been a free conference, in which the case of this House was to be sustained, he did not understand why the argument urged by the managers on behalf of the Commons had not been met by the managers for this House, or why the dignity of this House had been abandoned, its character lowered, and its interests deserted by the arguments just uttered not having been urged in that place where they were naturally expected. But the arguments themselves were totally insufficient. The clause in reference to the charitable trustees was adopted in the municipal bill of last year, on the eve of the termination of the session, on the understanding, that it was to be a mere temporary arrangement, until parliament could legislate more fully and completely in the matter. Since that period a bill entirely providing for

the whole matter, had been sent up from the other House; and that bill, on its second reading, without a consideration of its provisions, without going into committee, their lordships had thought proper to reject. Such being the case, he must say, that their lordships were not in a condition to require the House of Commons to yield to them on this question. The earl of Ripon, who had managed the conference on the part of the Lords, said, that the reproaches of lord Melbourne against these managers could have arisen only from his lordship not knowing the course which had been taken by the managers on behalf of the Commons,—a course most certainly consistent with their rights and privileges; but one which made it impossible for their lordships' managers to enter into any verbal discussion, with a view to enforce the opinions to which the House had arrived. In point of fact, the representations made to them were not made *viva voce*, but were read from a written paper, which he really believed was verbally the same as that sent up on a former conference. It certainly appeared to him, that nothing was more natural and proper, than that the managers on behalf of the Lords, not having been invited to enter into any discussion, should pursue the same course as that followed by the managers for the Commons; and, that in doing so, they had not done anything that was at all derogatory to the character and dignity of this House.

The motion to insist on the amendments being carried, a message was sent to the Commons, requesting a free conference

to communicate the result. The managers for both of the Houses immediately met, and the question of the amendments was debated amongst them (August 11). The managers for the peers were, lord Lyndhurst, lord Abinger, the earl of Ripon, lord Wharnccliffe, lord Ellenborough, lord Fitzgerald, and the bishop of Gloucester; on the part of the Commons, there were opposed to them, lord John Russell, the Attorney-General, Mr. Hume, Mr. Ewart, Mr. Wakley, Mr. Warburton, Mr. Cutlar Ferguson, and various other members. The discussion lasted upwards of an hour, and ended, as was to be expected, in the opinions of each party remaining unchanged. The earl of Ripon reported to the Lords, that their managers had stated to the managers on the part of the Commons, that the Lords adhered to the amendment in line twenty-five, because, the municipal corporations act not having provided, that a fresh election should take place, in the event of an equality of votes, the Lords considered it would be in accordance with the principle of that act to meet the difficulty which might arise from the equality of votes, by giving the casting vote to the person presiding at the election; that the Lords also adhered to clause L, because they thought, the inconvenience which would arise from placing the charitable trusts under the management of the lord chancellor would be much greater than that which might arise from allowing them to remain, until next session, or until parliament should otherwise provide, in the hands of those persons to whom both houses of parliament had

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last year concurred in thinking they should be confided; that the Lords had not observed, that any practical injury had arisen from allowing these trusts to remain in the same hands in which they were placed last session; but, that they were nevertheless anxiously desirous that the management of those funds should be placed upon a footing, whereby they might be divested, as far as possible, of all party interest. The managers for the Commons stated, that they were not instructed to yield with respect to the two clauses relating to the giving of the casting vote by a person to be chosen by lot, inasmuch as they were inconsistent with the spirit of the act, but, that they would have been willing to have referred that point to the House of Commons; that, with respect to the provision in clause L, whereby the present charitable trustees were continued in power, they hoped it would not be considered necessary to introduce it in this bill, as the conduct of those persons was not satisfactory to their (the Commons') constituents; and they could not, therefore, agree to continue them on any terms; that the provision made last year showed that parliament was not of opinion, that any serious inconvenience would arise from the power over these trusts devolving upon the lord chancellor; that the Commons were apprehensive, if they conceded this point now, they might be asked on similar grounds to acquiesce in placing them in the same hands, they were at present placed in, at a future period; that the Commons thought this a valuable bill, and that the Lords should recollect, that by their

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amendments all that was valuable in the bill would be lost. The managers on the part of the Lords replied, that they were always anxious to maintain a good understanding with the House of Commons, and would defer to their opinion on any point, that could be conceded consistently with the public interest. The managers then detailed the manifold mischiefs and inconveniences which might arise from allowing the management of these trusts to devolve on the lord chancellor, and states that it had not come to their knowledge, that any abuse had taken place since the act of last year; nor was it probable, that the persons who had had the management of these funds would venture to abuse their trust. It was further suggested, that it was competent for the House of Commons to introduce clauses for the auditing and superintending of these trusts. And, finally, that the managers of the Lords, having enlarged upon the reasons already detailed, and no agreement having been come to, left the bill with the managers of the Commons.

Lord Melbourne thought this a very odd way of doing business. They had not argued the matter at the first conference, when their hands were free; and now, after they were tied up by a resolution to insist upon their amendments, they had entered into a full discussion. Lord Wharncliffe explained, that the Commons, at the first conference, which they had requested, did not enter into any debate, and the Lords had merely followed their example; and that, at the second conference, it was the Commons who originated the debate which had taken place.

In the House of Commons, lord John Russell reported, that the Lords still adhered to their amendments; and as it was therefore obvious, that the two Houses could not come to any agreement on these clauses, he moved, that the farther consideration of the amendments should be postponed till that day three months, which motion was agreed to. Certain bills were then brought in and passed, to supply some parts of the dropped bill, on which both Houses were agreed.

The attempts, which had been made more than once, to obtain an act for allowing prisoners on trial for felony the benefit of counsel to address the jury on their behalf, were attended with success in the present session. A bill to that effect had passed the House of Commons in 1834: it had been read a first time in the House of Lords, and had then been dropped. In 1835 the same bill was renewed, passed the Commons without a division, and, being sent up to the Lords, was by them referred to a select committee. These proceedings, however, had been adopted so late in the session, that it was impossible for the committee to make a satisfactory report, and nothing more had been done, than to print the evidence which had been taken before them. Government had directed the commissioners appointed to investigate the state of the criminal law to consider this subject; and the commissioners, after investigating the subject fully, and examining the witnesses best qualified to throw light on the subject, had made an elaborate report, unanimously recommending that the principle should be adopted.

Mr. Ewart, who had introduced the former bill into the House of Commons, again brought in the same bill at the commencement of the present session. On the motion for the second reading (Feb. 17), some members opposed the measure altogether, as unnecessary, not truly beneficial to the prisoner, and not called for by the country. Mr. O'Connell, on the other hand, declared that he knew instances in which innocent men had been convicted, in cases where a speech from counsel would assuredly have secured their acquittal. Sir Frederick Pollock, too, a great authority on such a subject, considered the present state of the law on this point as disgraceful to the country. He pointed out the absurdity of the distinction which existed between civil and criminal cases, and contended very truly, that the principle on which it was justified, viz. that in criminal cases, the judge is the prisoner's counsel, was an utter fallacy. It was impossible that the judge could be so instructed concerning the prisoner's case, as to be able to act with effect: he knew only the case against the prisoner. Sir Frederick might have added, that counsel for a prisoner can say a great deal, which it is often most useful and effective to say, but which would never be expected from the judge. The second reading was carried by a majority of 179 to 35; and the bill, on the recommendation of sir Frederick Pollock, was then referred to a select committee. The committee reported in its favour, and it passed the house by a great majority.

The second reading was moved in the House of Lords, by lord

Lyndhurst, who showed the justice and reasonableness of the bill in its principle, although he did not approve of all its details, which might be amended in committee. He pointed out the absurdity of allowing a man the benefit of counsel, when litigating for the slightest possible pecuniary interest, and yet refusing him that benefit, whenever he came to be litigating for his life or liberty. Distinctions were drawn even between different classes of crimes, which did not seem to rest on any more rational foundation. Treason, the highest of all crimes, and misdemeanours, the lowest kind of offences, were placed on the same footing. In both of them the prisoner was allowed the benefit of counsel to address the jury on the facts of the case; and yet in the intermediate class, that of felonies, the same privilege did not exist. Thus certain offences regarding the coin constituted only a misdemeanour when committed for the first time, but became felony in case of a previous conviction. The consequence was, that a man might be tried for a first offence as a simple misdemeanour, and his counsel addressed the jury. If he was found guilty, and immediately tried upon a second indictment for a similar offence, it was now felony. His counsel could no longer address the jury; they could only examine witnesses, and speak to points of law. This was not only inconsistency, but amounted to something bordering on absurdity. The reason assigned by lord Nottingham and other eminent lawyers for not allowing counsel in cases of felony was, that the evidence against the prisoner ought to be so clear, that

no counsel by any comments, would be able to overturn it; but he could not admit the soundness of this view, for he had met with many instances, in the course of his own practice, both at the bar, and on the bench, in which the evidence was such, that the observations of counsel would have been most important to the discovery of the truth. Mr. Sergeant Hawkins had defended the practice, on the ground, that the speech of the prisoner himself would have much more weight with the jury than the speech of any counsel. Was not this a mere mockery? How few men, even of education, when placed in the situation of a criminal on a charge of felony, possessed sufficient coolness and firmness to go through all the evidence of a complicated case, the issue of which involved their liberty or life itself; and how much more strongly did this principle apply to men in the lower ranks of life, and possessed of no education, of whom the majority of the accused in this country consisted? Since it was allowed that the prisoner himself might address the jury on the facts of the case, and the character and credibility of the witnesses, was it not absurd to deny him the power of exercising that right in the way which would render it most effectual? The counsel for the prosecution was allowed to address the jury; but this, it was said, arose from the necessity of introducing the evidence as a whole to the jury. But what would be the probable effect of such a speech in a case of circumstantial evidence? An ingenious counsel would collect all the facts as they bore on the alleged offence, and with great candour and cle-

mency of manner would express a hope that the accused might be able to extricate himself from the toils which these circumstances, when proved, would weave around him. Now this was just the kind of speech which would be most injurious to the accused, and which he would find it most difficult to answer; yet in this difficulty he was denied the assistance of counsel. It was impossible for any reasonable man to sanction such a system. He had himself once entertained and expressed doubts of the propriety of the change; but more mature consideration, and farther experience at the bar, and on the bench, had subsequently persuaded him, that the evils and inconveniences to be feared from any alteration of the practice were greatly exaggerated. England and Ireland were the only countries in Europe, in which a prisoner was not allowed to defend himself by counsel. In Scotland, that power was given to the accused in every case. The same thing was done in our British possessions, which were governed by the same laws, and, in general, the same practice as those of the mother country. If the system was bad, why should it be continued in any part of the country; if it was good, why should it not be extended to all? And what were the evils which were dreaded from the change? It might lead, it was said, to a great consumption of time—the duration of assizes and sessions would be greatly prolonged. But this could never be stated as an objection to the principle of the measure; for where life or liberty was at stake, no time could be grudged that might be necessary for going into the case in the fullest manner. Again,

it was objected, that, if counsel were allowed to address the jury, instead of trials being conducted as they now are, with temper and firmness, there would be warmth and zeal on both sides of the court, which would detract from the gravity and decorum of its proceedings. But was it found that in Scotland trials were conducted with more zeal and warmth, or with less decorum, than in England? No one even pretended that it was so, and the evidence proved the contrary. It might be true that, in nine cases out of ten, it was almost immaterial to the result whether there were counsel in the case or not; the facts were so clear and conclusive. Yet there were many cases where the aid of counsel was of the utmost importance to the elucidation of truth, and of great service to the judges who tried the case, to which were to be added, those cases in which the question turned mainly on the credit of the witnesses. Another objection was, that if counsel addressed the jury for the prisoner, the judge would reply to him, and thus the judge would be placed in the unseemly position of appearing to be an advocate against the accused. The best answer to this objection was a reference to cases of misdemeanour, where the judge interposed no farther than to point out the errors or sophisms into which the counsel might have fallen, which it would be his duty to do in any case.

Lord Denman expressed similar views, and illustrated the absurdity of the existing law by two cases which had been tried before him at Liverpool. One of them was for uttering a counterfeit six-

pence: it was only a misdemeanour, and counsel addressed the jury. The very next case was a charge of uttering two sixpences. This was felony, and counsel was not allowed to address the jury, though the witnesses and the evidence were the same in both. Lord Wynford, too, although he was of opinion that the change would require great time in trials, and was afraid that it would not be practicable with the present number of judges, thought that the change itself would be an honour to the administration of the law, and would greatly tend to the elucidation of truth, and that no expense or inconvenience could be taken into account in getting rid of such a system as the present. The bill, accordingly, was read a second time without opposition.

In the committee several amendments and alterations were made upon the bill, none of which were of great practical importance, with one exception, and all of which, with that exception, were at once adopted by the Commons. As it often happened that persons were tried for felony, where no counsel were present, the same privilege was extended to attornies. The bill, as it came up from the Commons, contained a clause entitling the accused to copies of the depositions upon which he had been committed. This clause was struck out on the ground that the rights of a prisoner in this respect were already settled by law; but to prevent all doubt upon the subject, a clause declaratory of the right was again introduced, before the bill finally passed the Lords. But a more important matter regarded the right of the prisoner to have the last word. As the

bill went up from the Commons, it so regulated the proceedings, that, although various speeches were allowed, the last word was always preserved to the prisoner. In the Peers several of the law lords strongly objected to this extension of the privilege, and lord Abinger stated that, if it was retained, he would oppose the bill; the lord Chancellor, on the other hand, was strongly in its favour. The clause, by a majority, was struck out; and the effect of the alteration was to make the practice the same as in cases of misdemeanour, and in criminal cases, giving the last word to the prisoner only in the event of his adducing no evidence. The bill now consisted of this simple enactment, "That all persons tried for felony shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by counsel learned in the law, or by attorney in courts where attorneys practise as counsel."

When the bill, as amended by the Lords, came to be taken into consideration by the Commons, its supporters argued that, as it now stood, it conferred no real advantage, and that it would be better to leave to prisoners the benefit of the commiseration which a state of the law, such as it was at present, induced, than to deprive them of that sympathy without giving them anything substantial in return. The amendment of the Lords would place the prisoner in a state of jeopardy, which was both unseemly and unjust. It was finally resolved that the whole of the Lords' amendments should be referred to a select committee. That committee reported in favour of the other amendments, but that

any arrangement which would deprive the prisoner of the last word would be most injurious to his interests, and to the ends of justice. The Attorney-General earnestly urged the House to accept of the bill as it stood, and to avoid any disagreement between the two Houses of Parliament on a subject like this. The bill still gave the prisoner the benefit of a full defence by counsel: the practice in cases of felony would be the same as in other cases, and the prosecutor would have no right to reply, unless the accused called witnesses, which he hardly ever did except to character. If the amendments were not adopted, he felt assured that the bill would be lost, and another year would pass away before the country could obtain the benefits which were now tendered. With the view, however, of leading to a conference with the Lords, the amendment was rejected, and its rejection immediately communicated to the other House.

The subject came before the Peers, on the 16th of August, when lord Lyndhurst moved, that the House should adhere to the amendment from which the Commons had dissented. In his view, the arrangement contained in the bill sent up from the Commons only substituted one anomaly for another. The usual practice in the civil courts of the country was, that the accused should make his statement and prove it; that the accused should reply; and then that the accuser should set the matter to rights as consistent with his original statement. The Commons, however, gave the last word to the accused in every case, except treason, and misprision of treason, an anomaly as great as

any which they sought to remove; for if there was any case in which the prisoner ought to have greater latitude allowed to him than another, it was that of treason. Another anomaly was this, that in the case of an assault, for instance, the injured party might proceed either by indictment or by civil action. In the former case, the counsel of the accused would have the last word; but in the civil action, arising out of the same case, the last word would belong to the plaintiff. The lord Chancellor did not himself entirely approve of the manner in which the clause was framed, as it originally came up from the Commons, but he entirely approved of the principle that the prisoner's counsel should have the last word in addressing the jury, and he hoped that the House would give way rather than risk the loss of the bill. The House, however, without a division resolved to adhere to its amendment. A conference was then held, on the 17th of August, at which the reasons of the Peers for insisting on their amendment were communicated to the Commons; and, on the 19th, the Commons adopted the amendment, and passed the bill, lord John Russell stating that the matter in dispute would form matter for future deliberation, and Mr. Ewart assuring the House that he would not fail still to press upon it the principle which he now sacrificed, rather than reject the bill which still contained a great deal of good.

By the existing law, a person convicted of murder was directed to be executed the next day but one after that on which he was convicted, unless it should happen to be Sunday, in which case the

execution was to take place on the following Monday. The law further required that, after sentence pronounced, murderers should be fed only on bread and water, except in the case of sickness, and that no other person than the gaoler, surgeon, and chaplain should have access to them, unless by permission of the sheriff, or of the judge who had tried the criminal. During the present session an act was passed repealing the statutes which established these provisions, principally on the ground that in cases of murder, where the sentence once executed could never be recalled, it was not right to ordain the execution of that sentence within a time which left no room for farther inquiries. The new statute simply enacted "that sentence of death may be pronounced after conviction for murder in the same manner, and the judge shall have the same power in all respects, as after conviction for other capital offences."

The reform act had brought into the House of Commons as one of the members for Finsbury, a Mr. Wakley, a medical gentleman who had acquired notoriety as the editor of a medical journal, and had attained what is termed popular favour by the means by which the thing that ordinarily passes under that name is always secured, viz., professing all opinions which coincide with the selfishness, self-conceit, and love of power of those who are numerous enough to be called the people, but who make no pretensions to the knowledge and wisdom which should belong to those by whom a people ought to be governed. The professional experience of Mr. Wakley, however,

as always happens when a clever man applies himself to that with which he is practically conversant, produced a measure against which reason and justice could have nothing to object, viz. an act to provide that when medical men were called from their ordinary duties to serve the public by giving evidence on coroner's inquests, and going through the anatomical and chemical processes which these examinations frequently require, they should receive a proper remuneration. The statute enacted that not only the coroner should have power to summon medical witnesses, but that if the jury were not satisfied with the medical evidence, the coroner should be bound to summon other gentlemen of the same profession; and every medical witness so summoned was subjected, in case of non-attendance, to a penalty of 5*l.*, to be recovered summarily before the justices. On the other hand, every medical man attending to give evidence was entitled to a fee of a guinea. If he had likewise performed a *post mortem* examination, his fee was to be two guineas; and the fees were made payable out of the poor-rates.

In the preceding session, a bill had passed the House of Commons to abolish imprisonment for debt; but although it was a measure of very great difficulty and importance, it was not sent up to the other House till so late a period of the session, that it was impossible for the Peers to enter upon its consideration. The lord Chancellor now took up the measure himself, and a bill very much of the same nature with that, which had passed the Commons, was read a first time in the Lords, on the 30th

of June. His lordship did not profess to participate in the sympathy exclusively felt by some for those who were suffering imprisonment for debt; he would never support any measure which went to abolish imprisonment, without enabling the creditor to obtain payment by a better and more expeditious process—and this he thought would be effected by the present bill. The arrest of the debtor was either on *mesne process* at the commencement of the suit, to secure the debtor's person, or it was an arrest in execution which followed the judgment; and if it could be shewn that arrest in execution was not beneficial to the creditor, it would follow that a great alteration would be required in the law, as it affected the commencement of the suit. As the law now stood, the plaintiff, who had obtained judgment, might take either the person of his debtor in execution, or his goods. If he took the debtor's person, he must be satisfied with that; and this would clearly be of no use to him, if the debtor had no property. Neither was it sound to say that the pressure of imprisonment would compel the surrender of property; for it was only in a very limited number of cases, that the law enabled the plaintiff to take the debtor's property at all. He could take his debtor's goods and chattels, and one half of the income of the debtor's lands, but he could not touch his property in the funds, or in public companies, for these did not fall under the description of goods and chattels. Accordingly there were many instances of debtors living within the rules of a prison in comparative affluence, and setting their creditors at

defiance. He knew from the sentiments of a deputation who had waited upon him, that creditors were by no means anxious to retain the power of imprisonment for the debt after judgment, and would greatly prefer the means of getting possession of the debtor's property. But if imprisonment in execution could not be maintained on any sufficient ground of expediency, arrest on *mesne process* was necessarily still more unjustifiable. If a man was accused of an offence upon a sworn information, he was immediately taken before a magistrate, and liberated, unless a sufficient case for his confinement was made out. But if a person swore that his neighbour owed him 20*l.*, the latter was immediately sent to prison; and the putting in bail was so expensive a form, that it was much better for him to pay 25*l.*, than to prove at a trial that he did not owe 20*l.* This system furnished obvious means of extortion; not the least of its evils was the oppression to which it exposed debtors on the part of sheriffs officers. *Mesne process*, the original intention of which had merely been to secure the debtor's person, had become an engine to terrify him into payment of that which perhaps he did not owe. The whole existing system exposed the debtor to great hardships, without facilitating payment to the creditor, increased by this circumstance, that even where the debtor was anxious to cede his property, he could not do so, unless all his creditors concurred, or without subjecting himself to two months imprisonment. The present bill, therefore, while it abolished arrest of the person on *mesne process*, or in execution, proposed a course by which the

debtor's property might be more effectually attached. The creditor would be entitled to be put in possession, not merely of one half, but of the whole, of the income of the debtor's estate; landed property would be rendered liable under a summary and compulsory process; and a creditor who had been thus in possession of the rents for one year, would be considered as having an equitable lien on the property. If a party against whom judgment had been obtained, did not pay within twenty-one days, the non-payment would be considered an act of bankruptcy, and every other description of property would be rendered immediately subject to the payment of debts. Every sort of fraud, likewise, practised in gaining credit, concealing or removing property, making false accounts, altering or mutilating books, or absconding to defraud a creditor, or to avoid making a discovery of property, was declared to be a misdemeanour, and thus rendered punishable by the ordinary tribunals of the country. With these provisions, he thought that imprisonment might safely be done away with; but still it would be necessary to except some particular cases. A creditor, might learn, for instance, during the progress of a suit, that his debtor intended to abscond. In that case the power of imprisonment would remain, or rather would be rendered more effective for that particular object than the present law, for under that law, the creditor not having yet obtained judgment, could arrest only at the commencement of the suit. As it likewise often happened, that the delays which attended the suing out of bailable

writs, enabled debtors, especially when resident in the country, to abscond; it was provided, that at any stage of an action, the creditor should have power to obtain from any justice of peace in the neighbourhood, a warrant to arrest the person of the debtor, on making affidavit of the intention of the debtor to abscond. To prevent these warrants from becoming engines of oppression, they would be made subject to the supervision of the judges at Westminster, who would have power to dismiss the debtor, if he appeared to have been arrested without sufficient cause, and to find the creditor liable in costs. The bill, however, his lordship farther remarked, although it might be executed in London by the Court of Review, which was said not to have sufficient employment, clearly could not be carried into effect elsewhere, without the appointment of commissioners in the different counties of England and Wales.

On the second reading, however, the duke of Wellington objected to taking up, at that late stage of the session, a measure involving such extensive interests, and introducing a new system of law. It was true that the bill had been this year introduced on the 30th of June, while the bill of the Commons of last year, had not been sent up till the 16th of August; but dates were not the only things to be looked at. They were now at the 11th of July; there was upon the table of the House a larger quantity of business to be transacted, than was ever known before at so late a period of the session; measures of far greater importance, and which must necessarily demand

great attention, and much discussion, were about to be sent up to them; some of the law lords had already set out upon their circuits, and others must soon follow; he therefore could not consent that so complicated a measure should then be taken up. Most complicated it assuredly was on the face of the bill itself; and instead of being one bill, it ought to be divided into four bills. The provisions regarding judgment debtors, those relating to what was called the *Cessio bonorum*, those which provided for the punishment of fraudulent debtors, and those which gave power of arresting the person when the debtor was about to abscond, all formed subjects different from each other. While he desired to postpone this measure for farther consideration, he did not therefore approve of its principle; it was enough that there were parts of the bill which made important alterations in the law of England, and in the tenure of landed property, to justify him in moving that the bill should be read a second time that day three weeks. His motion was supported by lord Abinger and lord Wynford, who considered it, not as a rejection of any measure founded on the principle of the bill, but only as postponing the subject till they could give it full and deliberate consideration; for it undoubtedly was a subject which required to be touched with great caution and delicacy. Lord Melbourne agreed that the weight of business pressing on the House was matter of serious consideration; but he saw nothing in it to deter them from proceeding with the present measure. The proposed delay would carry them only to the 1st

of August, and there was no probability that parliament would be prorogued by that time; why then not begin at least the consideration of the subject, since even those who wished for delay, did not express themselves hostile to the principle and objects of the measure. On a division, however, the amendment postponing the second reading was carried by a considerable majority; and although the session continued till the 20th of August, the subject was not again taken up.

In his speech from the throne, his majesty had recommended to parliament "to consider whether better provision may not be made for the speedy and satisfactory administration of justice in some of the departments of the law, and more particularly in the Court of Chancery." These words had been used in reference to an intention entertained by the government of dividing the office of lord high chancellor, distributing his functions between two judges, one of whom should be devoted exclusively to legal duties, and be irremovable, while the other should retain the patronage and political functions of the office, coming and going with the ministers who appointed him. On the 28th of April, the lord Chancellor brought forward the measures by which this great change was to be effected. He founded the necessity of such measures on the great increase of business which had taken place in the Court of Chancery, both in its original and appellate jurisdictions. In 1812, it had been admitted, that it was necessary to give some relief to the chancellor in the purely judicial part of his functions, and the Vice-chancellor's Court had been established. Now

the average number of cases set down for hearing during 1810, 1811, 1812, the three years which preceded the erection of the Vice-chancellor's Court, was 504; for the three years 1823, 1824, 1825, the average was 945; and for the three years 1833, 1834, 1835, the average was 1,283. The petitions during the three years 1823-25, were, upon an average, 1,487, but the average for the three years 1833-35, was 2,813. Lastly, the appeals in the Court of Chancery for the three years 1810-12, averaged 18; the average for the three years 1823-25, was 42; and the average for the three years 1833-35, was 65. There was no return regarding motions, but he inferred that, from the nature of the thing, motions must have increased in even a greater proportion than the other business of the court. While this was the increase in the quantity of business, the importance of that business was shewn by the fact, that in 1812 the funds standing in the name of the accountant-general, were 28,137,000*l.*, standing to the account of 6,266 causes; in October 1835, the amount was 39,780,000*l.*, standing to the account of 10,229 causes. Great, however, as the business of the Court of Chancery already was, and enormous the amount of property under its jurisdiction, that court would be still more frequently resorted to, if the present causes of delay could be removed. At present the arrears in the Court of Chancery could not be considered very large; they were between 600 and 700. During the last three years, the average number of causes set down for hearing, was 1,301, and the average number disposed of was 1,202; but still there was an arrear of business,

where there ought to be none; and it followed, that the present machinery of the court of Chancery was insufficient for disposing of the matters which came before it. In the appellate jurisdiction of the court, there could scarcely be said to be any arrear; and if the lord chancellor were not called from the proper business of his court by business extraneous to it, he would not only get through all the appeals, but likewise have time to devote to the other functions of his judicial office.

The great evil of the Court of Chancery was the want of an individual at the head of it, who would devote himself entirely to the performance of his judicial functions without having his attention called off to other duties. Why should the Court of Chancery stand upon a different footing from all the other courts of the country? The first object, then, was to provide for the court a permanent judge, who should devote himself exclusively to the business of his court. The proposed bill enacted, that his majesty should have power to appoint a lord chief justice of the Court of Chancery, by the name and title of Lord Chief justice of his majesty's high Court of Chancery, and that after the head of the court should be so appointed, the lord chancellor should cease to exercise jurisdiction in that tribunal. To this lord chief justice were to be addressed all bills heretofore addressed to the lord chancellor or lords commissioners of the great seal, and it was proposed to place him on the same footing in regard to rank and salary, as the lord chief justice of the Court of King's Bench. This change would render it necessary to separate the powers of the Court of Chancery

from the Great Seal; to effect this, it was proposed that a new seal should be made for the new court to be created in place of the present Court of Chancery; that all writs relating to the processes of the new court should pass under this seal; and that all other matters should remain as heretofore under the great seal. The new chief justice would be appointed, like the other judges, and might be removed by his majesty on an address by both houses of parliament.

A second bill, brought forward by the lord Chancellor at the same time, regarded the appellate jurisdiction of the House of Lords. At present there were scarcely any arrears; they had been kept down by the great exertions of the law-lords during the preceding session; but they might again appear unless some change was made. The great evil, however, of the appellate jurisdiction of the House of Peers, in his lordship's opinion, lay here, that the House of Lords was open as a court of appeal only during the continuance of the session; and for one-half of the year it was shut against the demands of its suitors for justice. The house should remain open as a court of appeal, although closed for every other purpose by the prorogation of parliament. His second bill, therefore, provided, that the House of Lords should sit as a court for the purpose of hearing appeals, and writs of error only, notwithstanding the prorogation or dissolution of parliament; that the chief justice of the Court of Chancery might be summoned to the house in the same manner as the common law judges might now be summoned, and this after a prorogation as well as during the ses-

sion. The bill would farther make it the particular duty of the lord chancellor to attend at the hearing of appeals and other matters referred to the judicial committee of the privy council, with a proviso that, in the event of the lord chancellor being unable to attend, the lord president of the council might appoint any other member of the judicial committee to be present at the discussion of matters which did not require the attendance of any law officer of eminence.

On the second reading (June 13th) lord Lyndhurst objected to the bill in point of principle. He had conversed, he said, with different members of the profession, of all political parties, and had not found a single individual who approved of it. The two bills formed one measure, and the effect of the measure was simply this, not to separate the political from the judicial functions of the chancellor, but to divide the judicial functions into two parts, and to attach to one of these parts the political functions now belonging to the office. The lord chancellor, retaining all his political functions, was to preside at the hearing of appeals in that house, and at all judicial discussions in the committee of the privy council, whenever his services could not be dispensed with. The necessary effect of this measure would be to divide the office of chancellor, and to disqualify him for exercising that very appellate jurisdiction to which he was to be devoted. If the office was thus to be stripped of all its laborious duties, it would doubtless be less endowed, and no vice-chancellor or master of the rolls would abandon his tenure of office for one so shorn and pre-

carious as the office of lord chancellor would then be. The average of equity appeals heard before the house for some years did not exceed fourteen or fifteen. Now, in the courts of the master of the rolls and vice-chancellor, men presided, who had been selected from the highest rank in the profession, and who, after their elevation to the bench, had their minds constantly engaged in discussing and applying the great principles of equity. Such was, and would be, the character of the inferior judges in equity; and what would be the character of the judge of appeal? Was it to be supposed that even a man of the same capacity of mind could have his intellects kept alive, his faculties sharpened, and his mind invigorated, by having to decide annually fourteen or fifteen appeals in the House of Lords, and one or two appeals before the judicial committee of the privy council? The result of the arrangement would be, that the appellate judge would be inferior to those whose judgments he was called on to review. Nothing could be more destructive of the utility of the office; no confidence would any longer be reposed in any judgment which he might pronounce. It was on this plain ground that lord Hardwick, Mr. Pitt, sir S. Romilly, and lord Redesdale, had all deprecated the course which it was now proposed to follow, and no man had placed the consequences of it in a stronger light than lord Brougham, when the subject was brought before the House of Commons in 1830. He then said: "the jurisdiction of the lord chancellor is superior to all ordinary jurisdictions. If his duties were confined to sitting

in the House of Lords, he would soon become a mere judge of appeal; he would soon cease to be what the constitution prescribed he ought to be, the first lawyer in the country. Even as a judge of appeal, we might plant him on the woolsack, and give him power; but would he have any authority? Would he satisfy the courts below, or the suitors, or the profession? He would then be chosen, because he was a cunning intriguer behind the curtain, or a skilful debater in the House of Lords. Could such a man be qualified to decide appeals from the vice-chancellor and the master of the rolls? He would hear, and he might listen; he would discover a hole to pick here, and a word to carp at there; now a commentary to hazard, then a remark to risk; but would he be competent to grapple with the difficulties of a complicated case? Would he have any confidence in himself? Certainly not; because he would well know that the profession would have no confidence in him. The power of the appellate jurisdiction, which ought to be the last resort of suitors, the comptroller of judges, and the security of right, would exist only in name?" He by no means said that nothing ought to be done; he admitted that additional judicial power was required to render the Court of Chancery efficient. The mischievous delay was the delay which intervened between a case being ripe for hearing, and the actual hearing; and it was monstrous that, in a country like this, there should not be a judicial establishment so strong as to enable it to hear and dispose of a case in equity the moment it was ready to be heard. It was im-

possible, with benefit to the administration of justice, or even to property, to take the lord chancellor from the duties of his office in the Court of Chancery. Let the additional judge preside over the committee of the privy council, a tribunal which required peculiar qualification, because it had to deal with the laws of every civilized country. The lord chancellor would then have sufficient time both for his duties in Chancery, and for attending to the appellate jurisdiction of the Lords. That jurisdiction was by no means in such a situation as to require that the house should continue to sit, notwithstanding a prorogation. The average number of appeals entered annually during a period of fourteen years was seventy-seven; and he knew from experience that one-fifth ought to be deducted as going off in points of form, or by private arrangement, thus leaving only sixty-two. During the period of fourteen years, 745 cases had been decided in 836 days. Thus the sixty-two cases, which formed the average number would be disposed of in about seventy days during each session. This part of the measure was, at the least, unnecessary; but the principle of the other part, viz., to separate the ordinary judicial functions of the lord chancellor from his office was most mischievous, and he therefore moved that the bill should be read a second time that day six months.

Lord Langdale, the master of the Rolls, thought that the bill did not go far enough; for he held it to be indispensable, that the judicial functions of the chancellor should be separated from those which were not judicial, and that the appellate jurisdiction of the House of Lords ought to be placed under

the superintendence of a judge having no connection with politics. There ought to be a lord chancellor in the Court of Chancery, appointed by letters patent, without delivering to him the great seal. This judge ought to be exempted from all political duties, and from sitting as a judge of appeal in the House of Lords. He ought to have no power to review the decisions of the vice-chancellor and the master of the rolls, but the appeals from these judges ought to go directly to the court of last resort. In the court of last resort, there ought to be a lord president, or lord speaker, who should be a permanent judge, unconnected with politics, to be aided by persons called lords-assistants. The great seal should then be delivered to the lord keeper, and to his office should be annexed all the political functions at present discharged by the lord chancellor. Although, therefore, he did not entirely concur in the proposed plan, which did not even promise to accomplish all that he could have wished, he would not object to it for the present, being persuaded that it would afford considerable relief, while it would not be pro-

ductive of future inconvenience, or present any obstacle to what he deemed desirable. Lord Abinger supported the amendment, on the same grounds which had been stated by its mover. The duke of Wellington admitted that he had no knowledge of the Court of Chancery, but he had sat for many years in the councils of his majesty, and he there had practical knowledge, which convinced him, how important it was, that the most eminent lawyer in the country should occupy such a position as would give those councils substantial benefit from his assistance. Lord Melbourne did not believe that a man of talent, well grounded in his profession, would suddenly lose his knowledge, and the use of his faculties, on becoming merely a judge of appeal. He entertained no doubt that competent lawyers would be found to fill the situation, if it was once created; and he thought that as it was admitted on all hands that there was an evil to be removed, the house could not do wrong in going into committee on the bill. On a division, however, the amendment was carried by ninety-four to twenty-nine.

## CHAP. VI.

**PARLIAMENT.**—*Select Committee appointed to consider the Constitution of Election Committees—Bill for the Disfranchisement of Stafford passes the Commons—The Lords resolve to take evidence in support of the Bill—The evidence failing, the Bill is thrown out—Modified Bill of Disfranchisement rejected—Writ for Stafford suspended till next Session—Transactions of Mr. O'Connell regarding the representation of the county of Carlow—Petitions on the subject—Referred to a Select Committee—Report of the Committee—Motion that a Breach of Privilege had been committed, and Amendment that the Report of the Committee should be affirmed—Mr. Hardy—Lord John Russell—Lord Stanley—Serjeant Wilde—Sir F. Pollock—Sir R. Peel—Amendment carried—Motion of Lord Stanley rejected—Report of the Dublin Election Committee unseating Mr. O'Connell and Mr. Ruthven—Petition against it refused to be received—Bill to remove the Civil Disabilities of the Jews—Motion in the Commons to expel the Bishops from the House of Lords—Mr. O'Connell gives notice of a motion in the Commons to alter the Constitution of the House of Lords—Withdraws it, and gives a similar notice for next Session—New Houses of Parliament—Motion to change the Site—Motion for a new Competition of Designs—Resolution carried to admit Ladies—The estimate of the expense of admitting them rejected.*

**A**T an early period of the session the constitution of election committees was brought before the House of Commons by Mr. C. Bul-  
ler, who moved on the 25th of February, "that a select committee be appointed to consider the laws relating to the determination of the right of voting, and the trial of controverted elections." He admitted that the Grenville act, which had given to election committees something of the character and responsibility of jurors, was a great improvement on the system which it displaced, and under which every election was decided, not according to its merits, but according to mere

party views; but these tribunals had now become incompetent to attain the purposes for which they were designed, and the public no longer reposed anything like perfect confidence in their decisions. Nor was it wonderful that this should be the case. Members, who were about to act as judges or jurors under the sanction of an oath, were seen coming down to attend a ballot, brought to the House by the influence of what was technically termed "a whip." Nothing was more common than to hear a sitting member congratulated by his friends as having got a very good committee, or another exclaiming in despair, I have got

a very bad committee; I may as well strike at once. What was more common than to witness the disapprobation expressed by any given party in the House, when a member attached to it, whose name happened to be drawn, did not answer to the call, or excused himself on the ground of age, or the weight of official duties? All these things shewed, that impartiality neither existed, nor was believed to exist, and that matters were fast falling back into the state from which the Grenville act had endeavoured to rescue them. Another great evil lay in the enormous expense under the existing system. The cheapest petition he could find was in the Salisbury case in 1833, and it cost 1,000*l.*; another in the same year cost 2,000*l.*, and he had been informed that the fees paid to counsel in one session in trials of controverted elections was not less than 10,000*l.* This prevented electors, who were deeply interested in having the proper man seated, from coming to the House to have the wrong corrected. Another evil was the delay which attended the proceedings of these committees, arising partly from no committee holding itself bound by the decision of any other, so that every question had to be argued over again, and partly from their ignorance of the rules of evidence, which rendered it necessary that they should be put through a course of instruction in the progress of the case. These tribunals were thus wholly unfit for the work intrusted to them, not because their members would be so swayed by party spirit as to commit injustice, but because they knew nothing of the law, nothing of the rules of evidence, and decided on no fixed principles, and because there was thus an utter

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uncertainty regarding election law. Questions of qualification often involved the nicest points of law, and these points were tried by gentlemen who had no one qualification for deciding legal points. In the Dublin case, it was held a good objection to the admissibility of the poll books, that in the jurat of the affidavit which verified them, the names of the deponents were omitted; in the case of the city of Cork the same objection was held to be bad. The Roscommon committee held that the poll books, coming out of the hands of the agent of the returning officer, were not admissible; the Inverness committee held that they were. Similar contrariety of decision prevailed, at least in Ireland, on the competency of opening the registers. The Irish reform act declared the registry to be "conclusive"; but three different committees had put three different constructions upon the word conclusive. A still more perplexing degree of contrariety prevailed every where on one of the most important points which could occur, viz., the necessity of proving agency before giving evidence of acts of bribery or treating. What could be stronger than the contradictory decisions of committees under the reform act, on the question whether, after registration, a man could be disqualified from voting? For a time it had been held by all committees, that a man, abandoning his qualification after registration but before the poll, was disqualified; last session, however, the Windsor and second Canterbury committees had decided the other way. Thirteen committees had held that paupers had no right to vote, but such votes were admitted by the second Canterbury committee, and by the Ipswich committee. Another

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committee refused to reject the vote of a pauper, because his name appeared on the register, although it was urged, that, on the same principle, a woman, if registered, ought to be retained on the poll. In the Droitwich case, too, the committee struck off the name of a peer though registered; and here was again a different decision upon two most obvious disqualifications. The Windsor and Canterbury committees admitted the votes of persons employed in the revenue, and of post-masters; the Rochester committee rejected them. In the Monmouth and Worcester cases, the question turned upon this, whether wagers on the result of a contested election were not merely pretexts for bribery. In the one case, the wagers were held to annul the vote; in the other, the vote was held to be unchallengeable. A system which led to such contrariety of decision could not be good. The Chancellor of the Exchequer, Mr. Wynn, Mr. Bernal, and Sir Frederick Pollock, agreed that the existing system was full of evils and inconveniences; and a select committee was accordingly appointed; but its labours did not produce any fruit during the session.

In preceding sessions bills had passed the Commons to disfranchise the borough of Stafford as being a sink of incurable corruption, but none of them had passed both houses, and Stafford continued *de facto* disfranchised by a suspension of its writ. A new bill for the same purpose of total disfranchisement was again brought in on the 9th of February, was read a second time on the 4th of March, and was passed and sent up to the Lords in the beginning of April. When the marquess of

Clanricarde moved the second reading (April 15), he stated that the universal corruption of the burgh was matter of notoriety. On a petition presented to the Commons in February, 1833, complaining of the preceding election, the other House of Parliament had appointed a committee to investigate the truth of the allegations. That committee, after taking evidence, had reported that corrupt practices had prevailed throughout the whole of the preceding election; that the evidence established a case of such open, general, and systematic bribery and corruption, that it was expedient that Stafford should cease to send Members to Parliament; and they had therefore instructed their chairman for leave to bring in a bill for its disfranchisement. On these grounds the House of Commons had again passed this bill; these were clear reasons why the privilege of the borough should cease; and any demand for farther inquiry could have no other object than to defeat the measure by delay and expense. Lord Lyndhurst, however, protested against their Lordships departing, on the authority of a report of a committee of the House of Commons, from the course of proceeding which they had adopted in all similar cases—viz., never to disfranchise a borough, except upon evidence given upon oath at the bar of their own House. He objected to the evidence of a committee of the House of Commons being received, because it was not evidence upon oath, and because there had been instances of cases made out, and reports founded, upon such evidence, which totally failed when the witnesses came to be examined upon oath before the Peers. The

Warwick disfranchisement bill, for instance, so completely broke down, that not a single member of the House opposed its rejection. Last year a committee of the House of Commons was so satisfied, after hearing evidence in the case of Ipswich, that bribery had been committed by certain parties, that the House directed the attorney-general to prosecute them. The case was tried at the last assizes, and so manifest was the innocence of these parties, that they were acquitted without their counsel being called on for a defence. Besides it was not the practice of the House to pass a bill of disfranchisement, unless extensive bribery and corruption were proved to have existed at the last election. But it seemed to be admitted that a very different state of things had existed at the last election; at all events, whatever evidence was now in the possession of the House referred only to antecedent elections. The lord Chancellor agreed, that although as the franchise was a trust, and not property, a measure for abolishing that trust could not be viewed as a bill of pains and penalties, yet the house had been accustomed to deal with bills of disfranchisement, as being to a certain extent, bills of that nature. However gross, therefore, the corruption might appear on the evidence which had been reported, it would be wise and just, looking to the time which had elapsed since the evidence was taken, and the practice of the House in similar cases, not to deprive the electors in the present instance of the benefit of the ordinary course of proceeding. The House then agreed to examine witnesses in support of the preamble, and allow

the electors of Stafford to be heard by counsel.

The evidence thus taken, rendered it so impossible to pass the bill as one of total disfranchisement, that it was abandoned by ministers themselves. The marquess of Clanricarde, indeed, in moving the second reading (July 29), still insisted that enough had been proved to take away the privileges of all the electors; and Lord Ashburton, conceding it to be proved that there had been some bribery and more treating, thought it would be enough to disfranchise the individual electors who had been bribed. The lord Chancellor did not think that either of these courses could be adopted. On the one hand, looking at the result of the evidence, it did appear to him that a sufficient case had not been made out for passing a bill which would totally disfranchise the borough, although it was impossible to go through that evidence without seeing that a strong measure was necessary. On the other hand, to the disfranchisement of individuals, there was this obvious objection, that the proof of their criminality came out incidentally. It had not been the subject of direct and clear inquiry, and therefore information which might have so transpired regarding it, could not be admitted as just ground for legislative enactment. As the investigation had been directed only to establish the practice of notorious bribery, and as this object had influenced the character of the evidence, it was impossible to entertain the proposition for disfranchising individuals by name. He was clearly of opinion, therefore, that they ought not to agree to the second reading of this bill,

whatever more mitigated course they might afterwards be inclined to adopt. Lord Melbourne, too, would vote against the bill, premising that his doing so was not to be considered as manifesting any unwillingness to do all that circumstances might warrant for correcting the malpractices against which it was directed. The duke of Wellington suggested that the bill might be read a second time, and then they could consider in committee what modification of its enactment was necessary; but the chancellor having stated that the necessary changes were such as could not with propriety be made in committee, the bill was rejected by fifty-five votes against four.

The marquess of Clanricarde immediately reproduced the bill in an altered form, by which the disfranchisement was limited to the burgesses or freemen, whom he seemed to have considered as being the most corrupt section of the electors; and he was careful to remark that even all these persons would not lose their franchise, for some of them might still register and vote in the capacity of householders. The earl of Devon considered it great injustice thus to punish a whole class when it seemed to be admitted that only some were guilty; and the duke of Wellington thought it one of the strangest principles on which a bill of this kind could be founded, that it should deprive certain electors of their right of voting as burgesses because they were contaminated with bribery in order that they might still continue to vote in their capacity of registered householders: they were to be punished with disfranchisement as corrupt burgesses, and allowed to

vote as corrupt householders. He would have no objection to disfranchise the electors who were actually guilty, after their guilt had been duly proved, but the House never could consent, with any regard to reason or justice, to a sweeping measure like this. The mover of the bill then suggested that in committee they might except those burgesses who did not appear to have received bribes; but he did not see that this was little else than disfranchising the others by name, a course to which it had already been shown there were insurmountable objections. The lord Chancellor professed himself favourable to the bill, and thought that it might be so modified as to be useful, but the second reading was rejected by thirty-eight votes against twenty-two.

On the 11th of June Mr. Hume moved, in the House of Commons, that the issuing of the writ for the borough of Stafford should be suspended till ten days after the next meeting of Parliament. An amendment was moved that it should be suspended only for a week; and the single member, who now sat for the borough, complained of the length of time during which it was thus deprived of one of its representatives, after the charges had undergone a full investigation and nothing had been proved but individual delinquency. It was known, however, that Stafford would have returned a conservative, and the motion was carried by a great majority. Stafford thus continued to be deprived by a mere vote of the House of Commons, of one half, and it might have been the whole, of that representation which belonged to it in virtue of an act of parliament.

Another question touching parliamentary purity, one which excited as much public interest as any measure of the session, both from the position of the alleged delinquent, and the more than doubtful practices that seemed not to be discountenanced by the decision at which the House of Commons ultimately arrived, arose out of certain electioneering transactions of Mr. O'Connell.

In May 1835, the election of Colonel Bruen and Mr. Cavanagh for the county of Carlow, had been declared void by a committee. The new election terminated in favour of a Mr. Vigors and a Mr. Raphael, of London, both of them supported by the interest of Mr. O'Connell. Upon a petition the new members were likewise unseated; and Mr. Raphael, believing that Mr. O'Connell had broken faith with him, published an account of the bargain by which he had secured that gentleman's influence. From this statement it appeared that Mr. Raphael, being desirous of a seat in the House of Commons, had arrived at the conclusion, that if he could obtain the support of the Catholic leader, Ireland was the place in which his ambition was most likely to be gratified. He had therefore begun to negotiate with O'Connell, while the petition against Colonel Bruen and Mr. Cavanagh was still pending; and the committee on that petition having terminated unfavourably for these gentlemen on the 27th of May, the pecuniary treaty between Mr. O'Connell and Mr. Raphael was immediately concluded. Its terms were contained in the following letter from the former to the latter, dated 1st of June:—"My dear Sir,—You having acceded to the terms

proposed to you for the election of the county of Carlow—viz. you are to pay before nomination 1,000*l.*—say 1,000*l.* and a like sum after being returned—the first to be paid absolutely and entirely for being nominated, the second to be paid only in the event of your having been returned, I hereby undertake to guarantee and save you harmless from any and every other expense whatsoever, whether of agents, carriages, counsel, *petition* against the return, or of any other description, and I make this guarantee in the fullest sense of the honourable engagement that you should not possibly be required to pay one shilling more in any event, or upon any contingency whatsoever." Mr. O'Connell wrote to the electors on behalf of Mr. Raphael; he framed the address in which Mr. Raphael was to announce to them his disinterested patriotism; he assured Mr. Raphael of "an easy victory," doubting "whether there would be more than the show of a contest," and from the outset he had stated his belief that Mr. Raphael would "never again meet so safe a speculation." On the 8th of June, Mr. O'Connell informed Mr. Raphael that he had been nominated. On the 10th, Mr. O'Connell received through his son John O'Connell, likewise a member of the house, the first sum of 1,000*l.* On the 21st. he informed Mr. Raphael that he and Mr. Vigors had been returned; and, apparently in the prospect of a petition, he wrote to his protegee: "I am glad to tell you that our prospects of success are, I do believe, quite conclusive. If only one liberal is to be returned, you are to be the man. I have made all the pecuni-

ary arrangements;" and again, "I send you Vigors's letter to me. You see how secure we are. Return me this letter, as it vouches 800*l.* for me; with that you have nothing to do, as, of course, I stand between you and every body."

A petition was presented against the return; but Mr. Raphael considered that he was safe from any further expense, except the second sum of 1,000*l.*, and that Mr. O'Connell, by the express terms of his bargain, was bound to defend the return. Mr. Raphael, however, construed the bargain as meaning that he was to risk only the first 1,000*l.*, and that the second 2,000*l.* was not to be paid till the seat was secured. Mr. O'Connell maintained that it was payable so soon as Mr. Raphael was returned. Mr. Raphael yielded: the second 1,000*l.* was paid to Mr. John O'Connell on the 28th of July: on the same day the election committee was ballotted; and although Mr. O'Connell was an interested party in having the return maintained, and maintained as cheaply as possible, Mr. John O'Connell allowed himself to be ballotted, and did sit as a member of that committee. The inquiry before the committee having resolved into a scrutiny, Mr. Raphael soon discovered that it was in vain to look to Mr. O'Connell for the defence of the seat. That he might be silenced with a sop of a different kind, Mr. O'Connell wrote to him on the 3rd of August. "Tell me, in the strictest confidence, if you have any wish to be a baronet. Of course I do not ask you without a sufficient reason." Mr. Raphael, declining this honour, called on Mr. O'Connell to fulfil his engagement, "by fighting the battle so

long as a bad vote for the petitioners remains on the poll, or at all events to the end of the present session." On the 4th of August, said Mr. Raphael, "Mr. Vigors, Mr. O'Connell and myself, met by appointment at the Westminster Club, and I was then informed that the committee had that day struck off the first vote. This of course led to some discussion, when I learned for the first time, to my very great surprise, that Mr. Vigors had not contributed, and would not contribute, one shilling towards the defence of the seats! Mr. O'Connell left it beyond doubt that he did not intend any longer to defend the seats. Consequently there was no alternative but for me, after having already advanced 2,000*l.* in the confidence reposed in a brother Catholic, either to fight the battle single-handed, or to abandon at once all further opposition." All opposition was abandoned, Mr. Raphael was unseated, along with his colleague; and believing that Mr. O'Connell had been guilty of a breach of faith, he gave the whole transaction to the world.

Mr. O'Connell found it necessary to answer, and began by abusing his antagonist. He not only stated that he had himself possessed no personal means of estimating Mr. Raphael's character, but that "honest and experienced men" had previously put him on his guard against Mr. Raphael, and had described him as "a faithless creature, who never observed any contract, and with whom no person ever had a dealing without being sorry for it;" yet this was the very person whom he had introduced and recommended as a candidate to the electors of Carlow. He admitted the terms of the bargain, but in-

sisted that he only acted as the agent of Mr. Vigors, the other candidate, and that it was Mr. Vigors who was to pay all additional expenses of opposing the petition; although, in the correspondence, Mr. O'Connell never assumed the character of an agent, and in regard to the expenses, wrote to Mr. Raphael, on the 17th June, "I stand between you and every body," which could only mean that, whatever obligations had been undertaken towards Mr. Raphael, he was to look to Mr. O'Connell for their fulfilment. Mr. O'Connell asserted that the first 1,000*l.* had been expended on the five days poll, and that Mr. Raphael, had made an excellent bargain, in having all the expenses of nomination and of a five days poll covered by a thousand pounds. Every shilling of the other thousand pounds had been expended, he said, in opposing the petition, and he maintained that there was no obligation to continue that opposition, after he and Mr. Vigors were satisfied that opposition was useless, or to continue it for a moment after the 1,000*l.* had been spent. He, himself, he averred, had no pecuniary interest in the matter; he had made the bargain as acting for Mr. Vigors; for Mr. Vigors he had received the money, and to him he had paid it over. The most interesting part of his statement consisted in the admission of the purpose to which the money was to be applied in the event of the return not being petitioned against: "If there should be no petition, I agreed on the part of Mr. Vigors that the greater part of the second 1,000*l.* more than one half of it, whatever might be the amount of the election expenses, should be

applied to commence the formation of a fund to *indemnify the voters, and their friends, and relations*, from that persecution which the Carlow landlords then threatened, and have since exercised."

Whether Mr. O'Connell had deceived and over-reached Mr. Raphael, and whether Mr. O'Connell had or had not made profit, and derived accommodation from certain sums of money, were questions in which the people of the United Kingdom had very little interest; but the purposes for which the money had been promised seemed to give the transaction a character of greater importance, as touching upon the purity of parliamentary election. On the 11th of February, colonel Bruen presented a petition to the House of Commons, setting forth the transaction as it has been detailed above. The petition likewise particularly stated, "that the ballot for a committee to try the validity of the said return, took place on the same afternoon on which the said second sum of 1,000*l.* had been so received, in respect of such return, by the said John O'Connell, for the use of his father, the said Daniel O'Connell; and the said John O'Connell and Daniel O'Connell both attended the ballot for the committee, and the said John O'Connell was, in fact, balloted as a member to serve on the said committee, and suffered to remain on the list of the committee as finally reduced." The petition prayed the House to inquire into the circumstances, and if the charge was proved, to adopt proper proceedings against the offenders. Mr. O'Connell admitted that there must be inquiry, although he likewise regarded the whole charge, he said, as "a mock solemnity—a

sentiment in which the ministerial benches loudly cheered him; and he raved about the excellence of his son: "my loved, my pure, and, except by falsehood, my unimpeachable son:" while he never approached the plain fact, that his son served on an election committee, which, by deciding in a particular way, and deciding immediately, would secure a sum of money for the purposes of his father and his political friends. A similar petition from Bath having been presented by Mr. Hardy, member for Bradford, it was proposed that both petitions should be taken into consideration, on Monday, the 15th. Mr. O'Connell wished the discussion to be postponed till the 16th, because there were other important questions fixed for the previous day, although questions of privilege take precedence of all others, and although he could appear in the discussion of these questions on a later day as well as upon an earlier. The consideration of the petitions, however, was delayed till the 16th; and, on the 15th, a petition was presented from Mr. Vigors, stating that Mr. O'Connell had faithfully accounted for the money, that no part of it had been unconstitutionally applied, and that Mr. O'Connell was altogether free from malpractices in regard to the election. The main object of the petition, however, was, to inform the house that there was a tory conspiracy among the landlords of the county of Carlow against their tenantry who did not vote with them, and that the allegations regarding Mr. O'Connell having bargained with a candidate for 2,000*l.* could not properly be investigated, without inquiring into the allegations of Mr.

Vigors regarding the conduct of the Carlow landlords, from the year 1832 downwards. The petition seemed to have been got up on the principle of carrying the war into the enemy's country, and this was suggested as the reason why Mr. O'Connell had stood out for the 16th instead of the 15th, for this petition was not presented till the house was about to rise on the 15th, and Mr. Buller, who presented it, justified himself for so doing by the necessity which existed for its being presented that night, and the impossibility of getting it ready sooner.

On the 16th Mr. Hardy moved, "That a select committee be appointed to inquire into the circumstances attending the traffic and agreement alleged to have taken place between Mr. Daniel O'Connell and Mr. Alexander Raphael touching the nomination and return of Mr. Alexander Raphael as one of the representatives for the county of Carlow at the last election, and to report the minutes of evidence taken before them, with their observations thereon." After reading and commenting on the letters which contained the terms and history of the bargain, Mr. Hardy said, that it was impossible to adopt Mr. O'Connell's explanation of his having been only an agent in the transaction. Who had ever heard of an agent becoming responsible to such an extent as this? "I hereby undertake to guarantee and save you harmless from any and every other expense whatsoever, whether of agents, carriages, counsel, petition against the return, or of any other description." He was inclined to think that Mr. Vigors was the agent of Mr. O'Connell at Carlow, rather than that Mr. O'Connell was the agent

of Mr. Vigors in London. At all events, the consequence of the bargain was, that the member for Dublin, whether as agent or principal, put in two members for Carlow—Mr. Vigors, his old friend, *ex animo*, and Mr. Raphael, his friend *ex contractu*. But while, on the one hand, he gained this the great object of his ambition, it was, on the other, of very little consequence what sort of representatives the people of Carlow obtained. They never saw Mr. Raphael;—they never heard him—they had no ocular demonstration of either his physical or intellectual abilities; all they knew about him was, his address, and there was nothing of him even in that but his name. It was said by the defenders of Mr. O'Connell, that he had merely used his popularity, his moral and political influence, in returning Mr. Raphael; but when did it become the law of parliament that a man was to dispose of seats in that House, by selling his moral and political influence for money? Even if it were true that, in consequence of the contest and petition, no money had actually remained in the pocket of Mr. O'Connell, that was a fact which signified nothing. It was a matter of much more importance to some men that their ambition should be gratified than that they should receive a certain sum of money; and if that money went for the purpose of increasing the political influence and importance of Mr. O'Connell in Ireland, it answered that purpose which was dearest to his heart. But when he recollected that the petition had itself been abandoned on the second or third day after the committee sat, he could not understand how the whole of that money could

have been expended. Even if there had been a contest in Carlow, it was to be recollected, that being only a small county, a large sum of money could not be necessary for the legitimate expenses of the election; but what would have been the case if there had been no contest? Had there been no contest, of course there would have been no petition, and yet the 1,000*l.* was to be paid on nomination, which was likely, according to Mr. O'Connell's own estimate, to be followed, not by an easy victory, but by the shadow of a contest; what, then, would have become of the difference between the actual cost of the nomination, supposing the rival candidates had given up their opposition on the very first day, and the 2,000*l.*? He found it was part of the bargain that Mr. Raphael should not be called on for one shilling more in any contingency whatsoever; but he did not find a provision that he should in any case have any part of what he advanced returned.

Mr. O'Connell was discursive, violent, and abusive. It was not, he said, on account of any thing connected with the Carlow election that this charge was brought forward, but simply because he had contributed to put down toryism, and had thrown his weight into the scale of government to accomplish that object. He demanded that the inquiry should not be a miserable and paltry thing, confined to his particular case, but should be an extensive and searching inquiry comprehending the whole of the late general election. As to his own case, he had been guilty neither of pecuniary corruption by pocketing money, nor of personal corruption by gratifying his ambition by the improper ex-

penditure of money on the part of other persons. It was true he had much influence in Ireland, a dangerous influence, one which it was not desirable to see in the hands of any one man; but if they conducted this inquiry in a partial spirit, and for party purposes, they would only add to his influence. The influence which he enjoyed imposed upon him duties, and it was one of his great duties to promote, as far as he could, the return to parliament of those whose political opinions coincided with his own on the subject of Irish wrongs, and to exclude men who were opposed to their redress. When the county of Carlow became vacant, therefore, he admitted, that he had looked round for a proper candidate. The difficulty was, to find one who would undertake the expense, for Mr. Vigors had already lost considerably in a contest for the borough of Carlow; he was not a wealthy man, and could not be expected to contest the county on his own resources. It was necessary that the candidate, besides being a patriot, should provide a certain quantity of pounds, shillings, and pence. Mr. Vigors and he wrote to Ireland in search of a candidate, but they were not able to find one willing to face the tory system of wearying out their opponents by ruinous expense. In these circumstances, Mr. Raphael had written to him. That gentleman had been introduced to him before; he had several times seen him in the house in his paraphernalia as high sheriff of London; he had heard him spoken of in good terms. It was true that he had been described to him as a faithless creature, on whom no reliance could be placed, but this he did not at the time believe. Here

then, was his great offence, that he ventured to recommend to the electors of Carlow a gentleman whom he saw filling the office of sheriff of London. Mr. Raphael had acquired considerable wealth as an English merchant, and as such he considered him equal, in every respect, to the other candidates. Mr. Raphael concurred with him, moreover, in his general political views, and, in particular, had expressed the strongest sympathy for Ireland. He was therefore fully borne out in the propriety of his selection, and he had not made that selection, till he had exhausted Ireland in seeking some one who would come forward. Had he, then, done any thing which could disgrace him as a gentleman or as a member of parliament in choosing Mr. Raphael as a candidate for the representation of Carlow? Was he to blame for endeavouring to get into the House as many as he could who agreed with him in political opinions? Did not every member assist the return of those who agreed with him rather than of those who opposed him? There was an end, therefore, of any pretext of personal corruption—of any charge of having sought after the gratification merely of his own ambition.

As to the pecuniary part of the transaction, the facts, according to Mr. O'Connell, stood thus. Mr. Raphael, who had been in frequent communication with Mr. Vigors during the proceedings of the committee on the first Carlow election petition, was with him, when a messenger arrived announcing to him that the committee had just brought their proceedings to a close, having unseated the two members and declared the election void. Mr. Raphael, on hearing it, said "I am

your man." They then entered into conversation as to the necessary pecuniary arrangements, Mr. Vigors intimating that he had already spent a good deal of money in election contests, and could not afford to spend more. The sum of 2,000*l.* was mentioned; but Mr. Vigors, observing that it would be necessary for him to leave town immediately for Ireland, suggested that some mutual friend should be named, who should arrange as to pecuniary matters between them; Mr. Raphael at once named him (Mr. O'Connell). Mr. Vigors stated that it was impossible to go through the contest with a less sum than 2,000*l.* His answer was, that it was not likely any one would give that sum for the mere chance; but if 1,000*l.* were given to defray the first expenses, and in the event of a contest, he would have a fair title to claim the reimbursement of any further lawful expenses, arising out of the contest; and if there were any surplus left, there were widows and orphans constantly crying and screaming for relief. As to a petition, there could be no doubt of a petition having been contemplated, because the counsel for Mr. Vigors on a former election, was retained on the other side. But was there any evidence, or the slightest allegation, that he was to get one penny of the thousand pounds for himself? Mr. Vigors remained on Saturday to see if he could arrange the business with Mr. Raphael; and the Carlow men remained until Sunday, when Mr. Raphael met him, and then agreed to give, for the legal expenses of the election, the sum of 1,000*l.*, and another 1,000*l.* afterwards. Now, then, the House had only to say whether those sums were given for legal or illegal

expenses. His accuser did not say they were given for illegal expenses; but he said, they might be turned to an improper use. Why, what was there that might not be turned to an improper use? He assumed a case of bribery and corruption, because money was paid for legal expenses. He supposed that money might be paid, under pretence of being paid for legal expenses, for illegal purposes, including the probability of all the bribery and corruption that ever took place, or might take place. But he might be asked, why did he agree with Mr. Raphael that he should pay 2,000*l.* for his election? Because it was the specific wish of Mr. Raphael, who said he had paid a great deal more when he stood for Pontefract, and a great deal more than he was told he should have to pay. He believed every member of the house had gone through the same experience. Under those circumstances the liability of Mr. Raphael was limited; as for himself, he had neither retained nor appropriated to himself one penny of the money, and he would give up the whole case, if any man would venture to make such an allegation. But as he had been a guarantee to Mr. Vigors for the payment of 2,000*l.*, to defray the expenses of the Carlow election, the House was to inquire whether the money was improperly applied to purposes of corruption. Who said it was so applied? Who did not know that Mr. Vigors stated in his petition he had the money, and was responsible to the House, and was ready to account for it? The election lasted five days; there were three polling booths, and deputies and officers in attendance at these booths; and the entire expense of

all this was 1,000*l.* Then came in a petition, and another 1,000*l.* was expended. Did any man doubt that there were means to expend 1,000*l.* in such a case? He would put it to any gentleman, whether, after the guarantee he gave to Mr. Vigors, he was bound to go on after expending the 1,000*l.* Mr. Raphael, against his advice, and against the entreaty of Mr. Vigors, engaged a solicitor of his own, and proceeded for seven or eight days in a hopeless contest before the committee. He made this statement to meet the case of Mr. Raphael out of the House; for in the House it related entirely to the 2,000*l.* which he had to expend in nothing more than legal expenses. Let the inquiry be conducted by fair and honourable men, and he had nothing to fear; but it was well known that men, who were fair and honourable in other matters, were not so in politics. He saw before him not judges, but accusers — not jurors, but partisans — not arbitrators, but persons interested in putting him down. Such were the men now congregated together to pack a committee against him; but he was not to be put down by a packed committee. He understood that a committee had been agreed upon, and that the tory forces were combined against him. He had been all his life battling against tact — dealing with gamblers who used the loaded dice — and fighting against those who had the chance in their own hands. Was he to submit to a committee formed of men of that description? No; but he would submit to a committee of honourable gentlemen; and he called upon the honourable gentlemen of England and Scotland to protect him against a packed jury.

This was the substance of Mr. O'Connell's statement, with which were mixed up all manner of attacks upon his political antagonists both in the aggregate and as individuals. He might think there was much art in representing the whole matter as a mere party manœuvre, and in talking of the dangers of a packed committee; and, in the event of an unfavourable decision, nothing would have been more useful to him than to have had any ground for assailing the constitution of the committee. But his apprehensions were unfounded, and probably were more affected than real; for, if the matter was to be treated as a party question, he was not one of those who believed in the existence of a tory majority, capable of controlling the appointment of a select committee for the purpose of injuring the great ally of ministers. It was true that the committee had been already arranged, by communications between members on both sides of the house; but it was one to which no person had found any thing to object, and with which his most partial friends did not venture to express any dissatisfaction.

Mr. Warburton thought that the motion did not make the object of the committee sufficiently extensive, and moved the addition of words authorizing them to inquire, likewise, into "the application of the monies said to have been received, together with the circumstances under which it was received and expended." This amendment being agreed to, the committee was named, its members being taken from both sides of the house, as equally as the number would allow. Two nominees were likewise appointed, to assist in con-

ducting the evidence. Mr. O'Connell's friends named Mr. Serjeant Wilde; the other side of the house named sir Frederick Pollock.\*

The committee having met on the 19th of February, afterwards adjourned to the 29th, to give time for collecting the evidence, and summoning the witnesses. On the 11th of March, Mr. Colborne, their chairman, made the following report to the House:—"It appears to your committee that the subject may be arranged under two heads—the first as relating to any traffic or agreement between Mr. Raphael and Mr. O'Connell for a seat in parliament, and the second as to the application of the sum said to have been given.

"It does not appear to your committee to be necessary for them to enter upon any detailed summary of the evidence, but they feel it their duty to draw the attention of the house very briefly to the main points as they bear upon the question.

"It appears that Mr. O'Connell addressed a letter, bearing date 1st of June, 1835, in which the agreement for Mr. Raphael's return for the county of Carlow for 2,000*l.* was concluded; the committee cannot help observing that the whole tone and tenour of this letter were calculated to excite much suspicion and grave animadversion, but they must add, that upon a very careful investigation, it appeared that previous conferences and communications had taken place between Mr.

Raphael, Mr. Vigors, and other persons connected with the county of Carlow, and that Mr. O'Connell was acting on this occasion at the express direction of Mr. Raphael, and was only the medium between Mr. Raphael and Mr. Vigors and the Political Club at Carlow.

"It appears that the money was placed to Mr. O'Connell's general account at his banker's in London. It was, however, advanced, the moment it was called for, to Mr. Vigors; and though some of it was paid in bills, the discount was allowed; the amount, therefore, was available whenever wanted, and no charge of pecuniary interest can be attached to Mr. O'Connell.

"It appears, also, that this money had been expended under the immediate direction of Mr. Vigors, and others connected with the county of Carlow, in what may be called legal expenses, or so unavoidable that your committee see no reason to question their legality; and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors before the committee appointed to investigate, on the 28th of July, 1835."

Mr. Colborne, in moving that the report and the evidence should be printed, farther stated, that the committee had agreed unanimously in the conclusion at which they had arrived, and that he had no doubt that the house would join in the same opinion if the evidence were considered, as the committee had considered it, with a total absence of all party feeling. But to a large party in the house, it appeared that not only had the committee overlooked some important branches of the inquiry, but that matter had come out in the evidence before the committee, which

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\* The members of the committee were—Mr. Ridley Colborne, lord Francis Egerton, Mr. Bannerman, Mr. Barneby, sir Ronald Ferguson, sir John Yarde Buller, Mr. William Orde, sir Charles Broke Vere, Mr. Warburton, sir Eardly Wilmot, and Mr. H. G. Ward.

rendered the whole transaction still more deserving of consideration and animadversion. On the 21st of April, Mr. Hardy again brought the subject before parliament, by a series of resolutions which went to declare that, in the transactions regarding this seat, a breach of privilege had been committed. It was no longer doubtful, he said, whether the traffic had taken place. The committee itself had found it proved, that the 2,000*l.* had been paid and received; and if the circumstances under which that payment and receipt were made did not constitute a breach of privilege, he had yet to learn what did. Any man who entertained a doubt upon the matter, ought just to ask himself this question—would Mr. Raphael ever have been returned for Carlow, but for the traffic and agreement between him and the member for Dublin? The committee had reported, in regard to the letter containing the agreement, “that its whole tone and tenor were calculated to excite much suspicion and grave animadversion.” Had that suspicion been removed? Did there not remain traces as foul and corrupt as before? Mr. O’Connell did not put money into his own pocket, but that was not the question. Who got the money was of no importance to the public; the real question was this—had, or had not a member of that house been the agent through whose hands a sum of money passed, which had been paid in consideration of the person who paid it being returned for the county of Carlow? The question was not whether Mr. O’Connell made personal gain by the money, but whether the money went to bribe the electors of the county of Carlow, and in such a case, it made little

difference, or none, whether the party acted as principal or agent, whether he interfered spontaneously, or was invited to engage in the undertaking. The statement, therefore, reported by the committee, that there had been previous communications between Mr. Vigors, Mr. Raphael, and other persons connected with the county of Carlow, and that Mr. O’Connell had acted at the desire of Mr. Raphael, left the substantial matter at issue untouched. The committee had applied themselves diligently to the charge of personal pecuniary turpitude; but, in fact, that was not the question submitted to the committee, and most especially it was not the question with which the house had now to deal. The evidence proved not only that the money was to be unconstitutionally applied, but that Mr. O’Connell had been negotiating with Mr. Raphael so far back as 1834. There was a letter from Mr. O’Connell to Mr. Pearson, the under-sheriff of London when Mr. Raphael was high-sheriff, dated from Dublin in December 1834, requesting Mr. Pearson to ascertain whether Mr. Raphael would join lord Ponsonby, lord Duncannon’s son, in standing for the county, and go as far as 3,000*l.* to carry the election. “The principal expense will be, *to indemnify tenants who vote against their landlord’s wishes. They may want from one year to half a year’s rent.* The greater part will only be a loan, and will be repaid. It will not also be required till after the election, *and will be unconnected with any previous stipulation.* The tenants who vote for us thus will expect that the gentlemen who compose the local committee should prevent their landlords from ruin-

ing them by sudden demands at periods when the Irish farmer has nothing to sell." Thus the money was to be applied, at least in part, in paying the arrears due by tenants who might vote for Mr. O'Connell's candidate against the inclination of their landlords. Did any man imagine that those tenants were to be kept in ignorance, previous to the election, of the existence of this fund, from which, so soon as the election was over, they would receive these pecuniary supplies? That it should be known, was essential to its producing any effect; and a grosser breach of privilege, or a grosser violation of purity of election, could not well be imagined.

But even this was not all. The house would bear in mind that, immediately before the transaction was entered into, Messrs. Bruen and Kavanagh had been unseated on a petition by Mr. Vigors. Now it was proved, that the intention of the parties in this transaction was, that part of the 2,000*l.*, the consideration for Mr. Raphael's return, was to be applied to reimburse Mr. Vigors for the expense which he had incurred in prosecuting that previous petition. Mr. Vigors being asked in the committee, whether any part of the money was to be applied in this way, gave the following evidence: "None of the second 1,000*l.*; but it certainly was my understanding, that part of the first thousand was to be applied to that purpose. The election expenses were to be defrayed in the first instance, and then the surplus of the 1,000*l.* would have gone to the expenses of the petition which had unseated the members. That was the understanding. I did not state any particular sum, because I did not

know what the election expenses would amount to. I calculated that they would be about 600*l.*; and if I had had the management of the election I would have confined them within 600*l.* There would then have been a surplus of 400*l.* to defray in part the expenses of the petition in May. That was the understanding that I had with Mr. Raphael, and, if I mistake not, I mentioned that the election expenses would not exceed 600*l.* At the same time, I found them considerably exceed that sum; for Mr. Raphael's reputation for generosity was such, that our bills were twice as much for it. If I had had to fight my own battle, I dare say I would have fought it for 400*l.*;" —and the secretary of the Carlow Club stated, that the election had cost only 700*l.* Thus, Mr. Vigors expends money upon a petition in May; then, in June, in order to reimburse himself, he makes a bargain for the return of Mr. Raphael, getting back his own money, and 1,000*l.* besides for the Carlow Club. There could not be a more gross case in all its bearings. There had been a contract to sell a seat in parliament for 2,000*l.*, and the money was to be appropriated in a way corrupt in every respect. From the evidence respecting the Carlow Club, and the 1,000*l.* to be applied to county purposes, nothing could be clearer than this—that any tenant who fell into arrear of rent from want of prudence or honesty, had only to say to the club, my landlord is against you; if you expect my vote, you must be prepared to pay me a year's, or a year and a half's rent. What a system that was! If this were to pass unnoticed, who could object to the formation of conservative clubs which would say to

those shopkeepers, before whose doors the priests threatened that grass should grow, "we will indemnify you." Far better be without the reform act, than see it leading to consequences like these. Formerly they had to complain of boroughs being bought and sold; but now they had to complain of nothing less than the purchase and sale of whole counties.

Mr. O'Connell lavished unbounded eulogies on the members of the committee, and particularly on those of its members who had been taken from the opposition side of the house; he abused the member for Berkshire because he was a proprietor of the *Times* newspaper which daily attacked him, Mr. O'Connell; he accused Mr. Hardy of having bribed at Pontefract, and abused him for not having brought forward his motion sooner, and for having given a distinct notice of his motion only three days before, which, according to Mr. O'Connell, left him no opportunity of preparing a reply. He repeated again and again, that he had been acquitted of having kept any of the money to himself; but he never approached the merits of the question now raised. He would take his stand, he said, on the report of the committee; the motion was an appeal from that report. The question was no longer a question between him and his accusers, but between them and the committee. The chairman of that committee, Mr. Colborne, felt, that if the resolutions now proposed were affirmed, it would be a determination that the committee had performed their duty most inadequately. The report of the committee completely exonerated Mr. Hardy from any charge which might be made against him for

having originally brought the subject forward. It declared, that the tone and tenor of Mr. O'Connell's letter to Mr. Raphael "were calculated to excite much suspicion and grave animadversion;" and, although it was true that the weight of a sentence of this kind depended much on the sensitiveness of the person to whom it was addressed, he was sure that the member for Dublin must have felt it as a reproof. But that there was no pecuniary guilt which could attach to Mr. O'Connell, was completely proved by the evidence. The house, he doubted not, had expected, as he himself had expected, to find a very different case made out in evidence from what was established, and that the first advances and proffers had been made by Mr. O'Connell. But all this had been disproved by the inquiry. Mr. Vigors stated in his evidence, that the first mention of Mr. O'Connell came from Mr. Raphael, and that he was never spoken of except as the person to whom others likely to become candidates should be referred, and he thus described his own communication to Mr. O'Connell: "I mentioned the conversation I had had with Mr. Raphael, and I told him that I wished that he would follow it up, and I mentioned the particular terms on which I authorised him to conclude the arrangement with Mr. Raphael." The terms were 1,000*l.* to be paid immediately, and 1,000*l.* to be paid on his return. When Mr. O'Connell was referred to, nothing was said or understood, as far as I could collect from what passed, that Mr. O'Connell was to have anything to do with the distribution of the money. Mr. O'Connell was to account for that money to me, on behalf of the li-

beral committee. He was but the banker in whose hands it was deposited, and to whom we were to apply as we wanted the money. He had nothing upon earth to do with the application or distribution of the money. I considered him, throughout the transaction, as my agent, that is, as the agent of the chairman of the committee, but as the agent of the committee I should say more correctly; my agent merely as the chairman and organ of that committee." Mr. Vigors further stated, that every shilling of the money had been expended in what he considered to be legal and necessary expenses, and which he was advised were such. Then, as to Mr. O'Connell having paid the money by bills, though he had received it in cash, Mr. Vigors gave evidence distinctly, that he took the bills with the same satisfaction with which he would have taken cash; that Mr. O'Connell had sent notice that he would give cash, if it was wanted; that the money was forthcoming the very instant it was required, and the bills did not cause the loss of a single shilling. As to the offer of a baronetcy, to console Mr. Raphael for his disappointment, there was no proof that Mr. O'Connell, in making the offer, had stated that he had the sanction of the government for making it, or that the government had lent itself to the proposition, which he should have called a prostitution of their patronage. In fact, the state of the affair seemed to be this—that one party was weak enough to think that he could get a baronetcy, and the other party was vain enough to think he could procure it for him. Mr. Colborne, therefore, thought the present motion extremely injudicious. It would produce a

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great deal of personal feeling and acrimonious observation; it seemed to intimate an opinion that the committee had neglected a part of their duty, and to adopt it would be a direct reflection on the conduct of the committee.

In the course of the debate (which was continued by adjournment on the 22nd) other members of the committee expressed similar opinions, alleging that Mr. O'Connell stood acquitted of pecuniary corruption, and concluding that there was nothing else to be inquired into. Lord Francis Egerton said, that some parts of the conduct of Mr. O'Connell were the last things he would wish to imitate; but when the charge of pecuniary corruption was removed, he did not feel inclined to go upon the minor questions arising out of the case, because he wished to appear indulgent, though just. The transaction did not in any respect meet with his approbation; but he looked upon it as part, at least, of the extensive system which was now carried on in Ireland; and however strongly he might deprecate that system, he doubted whether it would be just or expedient to bring the member for Dublin, or the other parties concerned in the transaction, within the resolutions of the house. He was not one of those who felt a strong wish to bring any man within the scope of a breach of their privileges. He believed that his own hands were as clean as those of most men; but if every thing that he had done in violation of those privileges was to be brought against him, if a king's evidence could be found in every such instance, he scarcely knew whether he might

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not himself be brought under the grasp of a tribunal which, he would say, with all respect for that house, was extremely ill-adapted for the consideration of such questions. Mr. Warburton thought that Mr. O'Connell, especially considering that he was a lawyer, had exhibited a singular want of caution in committing to writing an agreement, the terms of which were so capable of being misrepresented; but this formed the best proof of Mr. O'Connell's conscious innocence, and the perfect fairness of the transaction. The other evidence removed every ground of attack. The resolutions now moved bore that the agreement, "was in violation of the statute passed in the 49th year of the reign of king George III., for preventing the giving or receiving of money, or any contract or agreement to procure, or endeavour to procure, the return of any person to serve in parliament." But how could this case be brought within the act, when the committee had reported that the money had been expended in legal expenses, or expenses so unavoidable that the committee saw no reason to question their legality? Mr. Barneby stated, that, as a member of the committee, his own opinion had been, that they would best discharge their duty by reporting the evidence alone, or any important fact which it might disclose. He did not desire to retract one word of the report in which he had acquiesced; but he had not supposed that it would prevent, or was intended to prevent, farther proceedings, if the house should see cause to adopt them.

Hitherto the ministry had not put themselves forward in the

discussion. Lord John Russell now declared his hostility to any further inquiry or proceeding, taking his stand on the report of the committee, which ought not to be touched, unless the house saw some very strong reasons to doubt the opinions, or to distrust the integrity, of the gentlemen who had already given judgment. He had never believed that members on the opposite side of the house would conspire against the member for Dublin; but he did believe that the minds of many of them had been perverted by gross misrepresentations, got up by certain dirty and base creatures, who, seeing that the cause of liberal government was triumphant in England, and that religious liberty was gaining ground in every part of the kingdom, could not withstand the mighty and irresistible advances of such holy causes, but who, having nothing reasonable to urge against the arguments in favour of liberal opinions, in which nearly all great men for the last century had concurred, had attempted to fix upon an individual of great influence a charge of criminality, and to render him an injury to that cause with which he was so intimately connected. He had at one time been afraid that the whole of the Conservative party had been involved in the getting up of those infamous and gross imputations against that individual; but he was proud to see by the report of a committee of that house that they had proved that, whatever might be their dislike of this political influence, they were ready to do him that justice he had a right to expect at their hands.\* When he first

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\* What could his lordship mean by

read the letters in the public prints, and compared them with the 49th of George III., it appeared to him that the charge was without foundation—a charge of a very trumpety nature—founded on blameable expressions and conduct, not conformable with the course which ought to be observed with respect to parliamentary proceedings, but, at the same time, totally free from corruption, and no more than what was done at every time of a general election by persons having no notion of corruption, or of violating the orders of the house. Accordingly the committee, after careful investigation, had pronounced an unanimous opinion, and in that opinion he entirely coincided. The evidence appeared to him decisive of these facts—that Mr. Vigors proposed to Mr. Raphael to become a candidate, that Mr. Raphael showed an inclination to do so, but that when Mr. Vigors informed him that he must join in the expenses of the election, Mr. Raphael required a

certain sum to be named. In consequence of this, Mr. Vigors mentioned the sum of 2,000*l.*, and afterwards left the matter with the member for Dublin, who involved himself in the transaction very rashly, it was true, and in terms which deserved censure—mitigated censure—and were liable to much suspicion. He, however, had placed himself between Messrs. Vigors and Raphael in the treaty; he said he would take 2,000*l.*; he did take the 2,000*l.*, and transmitted it to Ireland to pay the election expenses. Such were the facts of the case, when denuded of all the minor circumstances which had been mixed up with the transaction. How was it possible, on facts of this kind, to found a charge against the member for Dublin, or to fix criminality on him who had neither received the money for himself, nor had been a consenting party to its expenditure in corrupting electors? His lordship therefore moved, as an amendment, a series of resolutions which embodied the report verbatim, making them the resolutions of the house, instead of the opinions of the committee.

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this language? The written agreement of which the committee reported that it was calculated to excite “much suspicion, and grave animadversion,” the conduct which lord John Russell himself declared was “liable to much suspicion,” and “deserved censure:”—were that agreement, and that conduct, the result of a tory conspiracy? In the same speech, his lordship talked very grandiloquently of the contradiction which the fact of Mr. Raphael not having got a baronetcy, which O’Connell seemed to have offered him, gave to the charge that the ministry was controlled by the popish leader. There was here a sad want of logic. Is the fact that the honour was not demanded, any proof that, if demanded, it would have been refused?

Lord Stanley, on the other hand, contended, that all such argumentation was only an evasion of the momentous constitutional question which was now raised, and which, if decided in the way proposed, would sanction by a resolution of the House of Commons, the buying of influence and votes by wholesale. He was satisfied that Mr. O’Connell had acted as an agent, and not as a principal, and could not have retained the money in his own hands, but had paid it into his bankers, as the agent for other

parties. In the first instance, he must confess, he had thought there was something suspicious as to the payment in bills, but that had since been explained, for discount was allowed, and the money had been proved to be available, when wanted. But, without at all intending to impugn the judgment or fairness of the committee, they had left the question short, and the attention of the house ought to be more fully called to the nature of the whole transactions in connexion with the Carlow election. At the election in January, 1835, the candidates supported by the Carlow Liberal Club were defeated. They petitioned and unseated the sitting members. Who had found the money? The persons said to have done so were two freeholders—men of straw, as it turned out, who, it was admitted, did not exist. Did Mr. Vigors and the Carlow Liberal Club bear the expense? The Liberal Club was already in debt considerably for the election of one of their candidates; and they consequently looked out for another, and succeeded in finding one rich (or rather generous) enough to satisfy the double expense of the last and ensuing election. The county of Carlow was sold for 2,000*l*. Mr. Vigors had said that the same election might have been carried through at an expense of only 400*l*. with moderate management, of 600*l*. with generous, and of 800*l*. with extravagant management. But 1,000*l*. more was wanted, and a bargain was concluded for that amount. He cared not what were the terms of that agreement, but of the intended application of the funds there was not a shadow of a doubt.

Having referred the case, as regarded Mr. O'Connell, to a committee of their own selection, let that question be held settled; but when they came to the question whether a breach of the privileges of that house had taken place, when they were called on to say whether those proceedings of the Carlow Club, without any reference to Mr. Fitzgerald, Mr. Tyrrell, or anybody else, were a breach of privilege, and in violation of the freedom and purity of election, then distinctly, and in his conscience, he must say, ay. He could not rest on the simple and narrow ground taken by the committee. Let the house consider what would be the effect of tacitly acquiescing in the legality of such proceedings. These transactions were now forced upon their observation—their vote was demanded, ay or no—and would they encourage or discourage them, would they condemn or would they acquiesce in them? He could understand perfectly that cases might occur, and did every day occur, in which gentlemen might wish to be returned, through the medium of persons, who, in particular boroughs or counties, had considerable influence, and had the means of collecting a considerable number of suffrages in favour of a candidate. They might say to such persons—"It would gratify me much to be returned for this county or borough, but my means are small: if the election costs more than 2,000*l*., I tell you frankly I cannot afford it; but I am willing to go to that expense, if necessary. Beyond that expense—the legal expense—I cannot go." There could be no hesitation as to that being a perfectly legal course, if the expenses

were legal; but the difference between such a case and the present case was, that in the one instance a sum was to be paid, as far as it would go, for the acknowledged and unavoidable expenses of an election: in the other there was a contract to pay a sum, be it more or less; and if the full legal expenses of the election were less than that amount, the surplus was to go for other purposes. Take the case of the proprietor of a borough, who sold his borough for 3,000*l.* It cost him perhaps 500*l.* in tampering with the poorer voters in a small constituency; and he would put 2,500*l.* in his own pocket. Was this a system which met with the reprobation of parliament or not? Now, for the individual proprietor substitute the Carlow Club, and what distinction was there between a contract made by an individual to sell his vote, and a club to sell their influence? The report—upon what evidence he could not perceive, there was certainly some difference between his own opinion and that expressed in it—stated that “it appears that this money has been expended under the immediate direction of Mr. Vigors and others connected with the county of Carlow, on what may be called legal expenses, or so unavoidable that your committee see no reason to question their legality.” Now, upon the evidence of Mr. Vigors himself, what were those purposes? For defraying the expenses of a previous election—for paying bills unpaid—for previous expenses, not on behalf of the candidate himself, but for the benefit of other persons. The whole of the sum did not go to the Carlow Club, because they were obliged

to refund the money, which, by anticipation, they had employed. If they were to believe the evidence of Mr. Vigors, Mr. O’Connell, in engaging for the expenses of the future petition, had exceeded his instructions. He had no right to provide for the intention, the understanding, the dealing of Mr. Vigors, of Mr. Raphael, of the Carlow Club, that club which had sold the independence of their county and which, if the election was expected to cost only 400*l.*, had concluded an agreement with their gull and their dupe, Mr. Raphael, in order to put 1,600*l.* in their own pockets. He thought that such clubs and associations were dangerous instruments, to be justified only by extreme necessity—a necessity which, even in justifying them, increased and tended to perpetuate the evils they sought to cure in the political world. But if that was his opinion with regard to all associations of such a nature, how much more mischievous, how much more dangerous, how fatal to independence, how utterly subversive of the purity and freedom of election, if the house were to sanction the practice of these clubs farming out their votes for payment to the highest bidder, and selling their present votes that they might have more to apply for the purpose of future influence in a future election? He did hope that the House of Commons, if they were to go fully into the entire subject, and to form their opinion freely, would record their judgment on a much wider question than the character and personal reputation of the learned member for Dublin. They must pass their opinion on the effect which a legislative

sanction of such conduct and such practices would produce. Let them reflect on the number of bargains and sales of seats to which the house could not in future refuse its sanction. Let them consider how such propositions could be mooted in a reformed parliament—how such transactions would suit with the professions of the champions of the purity of election.

Mr. Sergeant Wilde entered at great length into the history of Mr. Raphael's connexion with the county of Carlow. He maintained that all the transactions had been transactions truly between Mr. Raphael on the one hand, and Mr. Vigors acting for the Carlow club upon the other; that the latter were in no respect obnoxious to the charge of having put up the county to sale; that they had not sought Mr. Raphael merely because he could pay, without reference to his principles; but had dealt with him, as being in politics, a fitting and proper representative, while he likewise had the means of meeting the legal and necessary expenditure. Mr. O'Connell was not a principal, but an agent: he had not become connected with this transaction by any act of his own; it had been conducted by Mr. Raphael and Mr. Vigors. Every one knew the interest which Mr. O'Connell took in the Irish elections; and it was not surprising that he could influence the election of members entertaining sentiments similar to his own, and that he should wish to do so, not from pecuniary motives, but from motives of a large and liberal character. At no stage of the transaction was any prospect of pecuniary benefit to be discerned:

there was no taint of moral turpitude; there was no receiving of money "for profit," in the words of the act of parliament. The committee had acquitted Mr. O'Connell, and even those who supported the present motion, did not impute to him personal or pecuniary corruption.

A larger question had no doubt arisen, viz., that the intended application of the money to the purposes of a former petition, was a plain violation of the privileges of parliament, and purity of election; but this was a legal expense in itself, and Mr. Raphael had engaged to bear it. After the first return of Messrs. Bruen and Kavanagh was petitioned against, the Carlow club had said to Mr. Raphael, "a petition has been presented; there is no doubt it will succeed; we have not funds to prosecute the petition; will you assist us with a view to your becoming a candidate?" Mr. Raphael said he had no objection to the expenditure, but he did not like uncertainty. The terms were discussed (without Mr. O'Connell being in any way a party to them) with Mr. Vigors. Mr. Raphael agreed with the Carlow committee, through Mr. Vigors, that he should contribute to the expenses of the petition, on the condition that, if it was successful, he was to become a candidate. They presented the petition, and Mr. Vigors had distinctly stated that they would not have presented the petition, except in the expectation that Mr. Raphael would have come forward and paid the expenses of the petition, in order to create a vacancy which he was to fill. The petition was presented, nominally by the Carlow committee;

Mr. Vigors says he did not do it at his own expense ; the Carlow committee had pledged itself to reimburse him the sum he expended : but he had expended 700*l.* of his own. The petition was successful ; the election was declared void ; Mr. Raphael and Mr. Vigors renewed their negotiation, and again without the intervention of Mr. O'Connell. Mr. Vigors had stipulated that 1,000*l.* was to be paid down on the nomination, and that if this sum exceeded the amount of the expenses which should be incurred, the surplus was to be applied to the repayment, as far as it extended, of the expenses of the petition which had occasioned the vacancy which Mr. Raphael filled. This was said to be the corrupt part of the transaction—a thing to excite the indignation of the country, and to prevent the House from confirming the report of its committee. Was it seriously thought that the country would look with alarm at such a transaction, and feel that the freedom of election had been infringed, because a society had stipulated that, if the amount paid by Mr. Raphael should prove to be something more than the actual expenses of his election, the surplus should be applied to defray the *bond fide* legal expenses incurred in the fair and legal prosecution of the rights of electors ? The petition tended to secure the rights of the electors, without which the constituency of Carlow would not have had representatives in that House ; and it was but fair and just that a candidate, who had benefited by a petition, which counteracted the unrighteous attacks made upon

the freedom of election at Carlow, should contribute to its expense. No honourable man, who had entered into such a negotiation before the election of January, 1835, would have scrupled to comply with the terms agreed to. The petition had been presented solely from the expectation of Mr. Raphael becoming a candidate, and paying the expense of it.\* Another serious point was, that a certain sum of money had been given to the Carlow club. But if the House took cognizance of this, it would be punishing a society for protecting poor electors, and preventing their utter ruin through the free exercise of their rights. Would a poor elector dare to vote against his landlord when the terror of a distress stared him in the face ? or was there any breach of the constitution, or of the law, in saying to such persons, "Exercise your franchise boldly, and if you suffer for it, we will relieve you ?" If there was anything illegal in this, he trusted it would not be long before the question of the ballot was brought forward again. The object of the Carlow club was to prevent poor electors from being obstructed in their rights, and turned round by wholesale objections. The club could not raise a fund sufficient to relieve all persons who needed it ; and there was no pretence for saying that any offer had been made except as relief where par-

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\* The evidence did not support this gloss, that Mr. Raphael had previously promised to pay the whole, or any part of the expenses of the petition. Even if it had been so, it would not have affected the substance of the question now raised.

ties had been distrained upon, not as a reward.

Sir Frederick Pollock said, that having been a nominee on the committee, deprived by the house of the power of voting, in which he thought they had acted wisely, he would vote on the present question; but the transaction assuredly was one of those which could be passed over without censure only when they were passed over without observation. Stripped of all reference to individual corruption, he could consider it in no other light than as a bargain made for a seat in that house. While Mr. Raphael retained his seat, what did he represent except his 2,000*l.*; and part of that sum was to go to the Carlow club—for what?—to pay the rents of those tenants who might be called on to pay up arrears. What difference was there between this case and that of a man who was indebted to another, and should go to this Carlow club and say, "I owe such a sum; the party to whom I owe it is about to insist upon repayment, which I am unable to make; do you pay the debt and make me a free man, and I shall vote as you wish." Another man might go to this club and say, "I am almost ruined by the system of exclusive dealing; my neighbours round about me, who used to deal with me, do so no longer; do you set me up with a new stock, and I shall vote for the party whom you support." The language of Mr. O'Connell's letter to Mr. Raphael was: "you have acceded to the terms proposed to you for the election of the county of Carlow—viz., you are to pay before nomination 1,000*l.*, say 1,000*l.*, and a like sum after being returned; the

first to be paid absolutely and entirely for being nominated." 1,000*l.* then was to be paid for the nomination, and another 1,000*l.* upon the return, whatever might be the expense, or if there was no expense. He cared not who introduced Mr. Raphael,—he cared not whether Mr. O'Connell was an agent or friend, or whether he was connected with the election or not; the transaction was a gross breach of the privileges of the house. No matter into whose hands the money went; the moment the money did pass from the hands of Mr. Raphael, on the condition of his being returned, that moment the constitution was violated; and whether the money was to be applied for the purposes of justice, or of generosity, or of independence (for that was one of the grounds on which its application was defended, as if it was less a bribe in that way than in any other), an offence had been committed, which that house, looking at the precedents that had been quoted of the proceedings on similar cases in former parliaments, could not pass over without opening a door to bribery of every sort. He could well understand that members of the committee, under the fullest impression of their duty, might deem it unnecessary to travel further into the inquiry; but he could not understand how it was possible for the house, having its attention directly pointed to this case, to come to any other conclusion, than that it was a gross breach of privilege. There was one point on which he felt no slight astonishment. It was that part relating to the baronetcy, on which Sergeant Wilde seemed to think, that if the member for

Dublin had been examined, he was prepared with a triumphant answer. He had put no question on the subject, as his opponent had not put any; but if Sergeant Wilde had thought that such a triumphant answer could be given, why had he not put the question? There was an air of triumph about lord John Russell when he alluded to this circumstance of the baronetcy, and said that it afforded a complete answer to the charge which had been so often made, of the government being under the slavery or influence of the member for Dublin. The fair inference from this remark was, that the member for Dublin had asked for the baronetcy, and had been refused. Now, he would put it to the noble lord, or to any other member of the government present, and ask whether this was so or not? No answer was given.

Sir James Graham enforced the same views; while Mr. Ward, Mr. Grote, and others repeated the argument that the case was closed by the decision of the committee; that the application of money to the relief of tenants was praiseworthy; and that the corruption, if any, lay with the landlords, who rendered such expenditure necessary. The Chancellor of the Exchequer maintained that the motion would never have been heard of, but for the political influence of the individual against whom it was directed. It was a personal attack upon Mr. O'Connell, and as such the House ought to deal with it. He admitted, in regard to the expenditure of the money by the Carlow Club, that if there was any compact, directly or indirectly, to procure votes, then there was corruption; but he denied that there was any evi-

dence of such an agreement. The letter on which this charge was founded contained the following expressions:—"The principal expense will be to indemnify tenants who vote against their landlords' wishes; they may want from one year to half a year's rent. The greater part will only be a loan, and will be repaid. It will not, also, be required until after the election, and will be unconnected with any previous stipulation. The tenantry who vote for us thus will expect that the gentlemen, who compose the local committee, should prevent their landlords from ruining them by sudden demands, at periods when the Irish farmer has nothing to sell." It would be great presumption in him to differ from the House of Commons, but gentlemen who were a little conversant with Irish phraseology knew that the word "expect" bore in Ireland a meaning very different from its English signification. That, however, made no great distinction, because the words on which he really rested his position were, that there was to be no previous stipulation for the payment of money. The whole of the case turned upon the absence of this stipulation, and, therefore, he said that, in providing a fund for the indemnity of the electors of Carlow there could be no corruption.

Sir Robert Peel said that, if he had been consulted as an individual member, he certainly would not have recommended that this motion should be brought forward; but his counsel not having been solicited, he now found himself called on to declare his sentiments upon the subject, bringing to correspond, as nearly as he could, his duty to the individual to whom it referred and to the public, a por-

tion of whom he represented. He wished to reconcile strict justice to the member for Dublin with deference to the report of the committee, and with the performance of his duty to the people of England. The amendment, which repeated the report of the committee, did not merely call upon the House to acquiesce in the report; that would have been gained by moving the previous question, in which he would not have been disinclined to concur. It called upon the House for an unqualified adoption of that report, and every phrase which it contained. The committee declared their opinion "that the whole tone and tenour of this letter" from Mr. O'Connell to Mr. Raphael "were calculated to excite much suspicion and grave animadversion." Now, what meaning did Lord John Russell attach to "grave animadversion?" Did he, by these terms, mean to imply a censure on Mr. O'Connell, after the evidence which had been produced? If he did mean to express his reprobation, either qualified or unqualified, then on what ground did he blame Mr. O'Connell? Was it for a breach of privilege? If so, why did he not define the offence Mr. O'Connell had committed? Suspicion was a justifiable cause of inquiry, and he had thought that the argument on the other side was, the inquiry having been made, the charge must be a false one. But the amendment adopted, in addition, the words "grave animadversion;" and these, as applied to a charge, were widely different from a mere suspicion. Suspicion attaching to a party formed a good reason for inquiry; but grave animadversion belonged only to a case when the charge had been sub-

stantiated. If the use of these terms implied a censure on Mr. O'Connell, he wished to know what was the offence laid to his charge; and he thought that those parties who acted as his judges, and also those interested in behalf of Mr. O'Connell, would have required an explanation upon this point, relative to the embodying of these words in the resolutions moved as an amendment. Another paragraph of these resolutions was this:—"That it appears also that this money has been expended under the immediate direction of Mr. Vigors and others connected with the county of Carlow, on what may be called legal expenses, or so unavoidable that this House sees no reason to question their legality, and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors before the committee appointed to investigate it on the 28th of July, 1835." But the unavoidableness of expenses was no test of their legality; and he objected to approving a resolution of the committee which seemed to imply that the necessity of the expenses constituted a sufficient reason why their legality should not be questioned. When the opinion of the House was demanded on the transaction, not only the report of the committee, but the whole of the evidence was opened. If the House was required to record its opinion that the expenses were unavoidable or necessary, it was bound to express its opinion of the whole transaction fully; for that opinion was to constitute the rule by which other people were to judge whether such expenses were legal or not. It appeared that 1,000*l.* for election expenses, was to be paid down in the first place, and

if any balance remained, it was to go to defray the expenses of the petition which unseated Messrs. Bruen and Kavanagh. Did the House mean to sanction that? Did it mean—not shrinking from adjudicating the question, but determined to give an opinion upon it—to sanction, or at all events, to express no disapprobation of a transaction by which it was stipulated, in respect to this 1,000*l.*, by an express contract, that if any surplus remained, it should not go to cover any legal expenses connected with the election, but to discharge a debt incurred on account of a previous election? Suppose a case of a city member going through a contested election, and incurring a debt of several thousand pounds; did the House mean to sanction this proceeding—that a contract might be made with a person hereafter to be returned, for a larger sum than the expenses would be likely to amount to, and if there was a surplus, that that surplus might go to pay the expenses of the previous election? It was said that the money was to go to a liberal club, and be appropriated to the paying a year's rent, or half a-year's rent, of tenants who were in arrear. If the House sanctioned the appropriation to either of these objects, or confirmed, by its silence, the resolution of the committee, whose report it was forced to review, why confine the compensation to tenants? Why not allow voters in cities or boroughs, when they are apprehensive of the consequences of freely exercising their franchise, to be indemnified for losing the good-will of their customers? In either case the violation of the right of election was equal, and in each case the claim for compensation would be equally

valid. And the House must consider when it was laying down a principle, that it could not limit it to *bond fide* cases of alleged wrong; if it opened a door on this pretext, a flood of unrestricted evils would rush in. The Chancellor of the Exchequer, had had sagacity enough to foresee the evil consequences of such a case; but his sagacity in devising a precaution against them was not equal to the sagacity with which he had foreseen them. It had been stated in evidence that the poor tenants expected a remuneration—*rusticus expectat*—and what said the Chancellor of the Exchequer? “I admit the expectation, but I offer you this consolation—that the evil will be limited to Ireland.” But he was at a loss to know on what lexicographical authority the gentleman was able to suggest a distinction in meaning between expectancy in Ireland and expectancy in England: yet this was the profound and satisfactory declaration thrown out by the Chancellor of the Exchequer as the reason why there should be no apprehension in England of any evil consequence from this source. If any person in England made a claim upon a liberal club for compensation, and should consider himself entitled to expect it, the Chancellor of the Exchequer would tell him, “Your expectation, though not wholly groundless, is yet without foundation; for I am an Irishman, deeply read in the Anglo-Hibernian language, and I give you warning, that expectation in England is a totally different thing from expectation in Ireland.” Unfortunately, the legislature had not sustained this interpretation; for the bribery oath, which was administered in

both parts of the empire, contained the word "expected," with the same meaning.

On the division, lord John Russell's amendment was carried by 243 to 169.

Lord Stanley moved the following resolution to bring the question still more to a point: "That it appears to this House that there was between the contracting parties a distinct understanding, that if any surplus should remain, after providing for the legal expenses of the election of Mr. Raphael, that surplus should be applied, in the first place, to the defraying of the expenses of the petition against the former election; and in the next place, to the funds of the Carlow Liberal Club; and such understanding calls for the notice of the House as liable to serious abuse, as a dangerous precedent, and as tending to subvert the purity and freedom of election." Mr. Warburton disputed the accuracy of the matter of fact stated in the resolution, because he held that it was proved to have been Mr. O'Connell's understanding that the surplus, if any, was to go towards the expenses of the coming petition. Lord John Russell would not enter into the matter of fact. He would go into nothing beyond the report of the committee. If the committee had been agreed on these facts, and had thought them material, they would have reported them to the House. The resolution was negatived by 238 to 166.

Mr. O'Connell's troubles were not yet done. His return, and that of his colleague, Mr. Ruthven, for the city of Dublin at the last election, had been petitioned against when the new parliament met in the beginning of 1835, and the

petition had been referred to an election committee in the usual manner. From the outset, it was evident that Mr. O'Connell was determined to compel, if he could, the abandonment of the petition, by adopting every expedient for delay which could be suggested, and to take the inquiry, moreover, in a manner under his own control, by transferring it from a parliamentary committee sitting at Westminster, to delegated commissioners sitting in Dublin. On allegations of the expense of taking in England the proof of what would result into a minute and detailed scrutiny of votes, he obtained a commission for taking the evidence in Dublin. Thus his seat was secure for the session of 1835; and as those commissioners could only report evidence, and as every point arising upon that evidence, whether as to its admissibility or its merits, remained to be argued before the committee; he stood a fair chance, even if he was in the wrong, of likewise securing his seat for the session of 1836. The commissioners continued their labours with great industry, and were able to report the evidence at the meeting of parliament; although in the course of these labours they had to encounter not only the delays and trickeries, but the open bullying of the sitting member and his agents, who shewed a manifest desire to carry every thing their own way, and, at all events, to lay up abundant materials for future discussion. That discussion accordingly commenced with the session before the election committee, and did not terminate till the 16th of May, when the committee reported, that Mr. O'Connell and Mr. Ruthven had not been duly

electd, and that Mr. Hamilton and Mr. West had been duly elected to serve in parliament. The two latter gentlemen took their seats, after having been excluded from them for the whole of one session, and the half of another, during all which time the electors of Dublin were represented by men whom they had not chosen, those men being the loudest declaimers in favour of every thing connected with the rights of constituencies. Mr. O'Connell, foreseeing the issue of the inquiry, had in time provided himself with another seat by making one of his political hangers-on accept the Chiltern hundreds; and he appeared during the remainder of the session, as the honourable and learned member for Kilkenny.

The committee had added to their report, "that eight persons were struck off the poll, having voted from a corrupt expectation, and having subsequently received money; but the committee is unanimously of opinion that there is no evidence that Messrs. West and Hamilton, for whom they voted, were either directly or indirectly implicated in such corrupt practices." On the 20th of May, Mr. O'Connell presented a petition from certain electors of Dublin, praying that Messrs. West and Hamilton should not be allowed to retain their seats, on the ground that they had been connected with bribery. It was immediately answered, that this was an attempt to evade the Grenville act—an appeal against the decision of an election committee. The Grenville act declared, that the committee was to determine whether the petitioners, or the sitting members, or either of them, were duly elected, whether the election was

undue, and whether a new writ should be issued, and their determination was to be final and conclusive to all intents and purposes. In the present instance, the committee had reported that the petitioners were duly elected, and that the sitting members were not; this was an end of the matter; and any petition like that now offered, could have in view nothing else than a committee of appeal. There had been five or six cases since the passing of the Grenville act, in which time had been asked, and a period of fourteen days had been allowed, for the presentation of petitions after the committee had reported, but in every one of these cases, without exception, the report had been simply that the return was undue. In no instance, where the committee had not only found the return undue, but had seated the petitioners, had time been given. The very question now raised had occurred in the Monaghan election in 1834. The committee in that case reported that Colonel Westenra, the sitting member, had not been duly elected, and that Mr. Lucas had been duly elected, and ought to have been returned. After the report, a petition was presented by certain electors, complaining of the election and return of Mr. Lucas, just as here a petition was offered against the election and return of Messrs. West and Hamilton; but the House, after reading the report of the election committee, ordered that the petition should be withdrawn.

Mr. O'Connell maintained that the petition must be received, because the matter, to which it referred, had never come under the consideration of the committee. The report bore that there had

been bribery, but that there was no evidence of Messrs. West and Hamilton having been connected with that bribery. It was impossible that there could be evidence, for the committee had excluded it. On sending out the commission to Dublin, the committee passed a resolution restraining the commissioners from taking evidence of a recriminatory nature against the unsuccessful candidates, except in so far as regarded the qualification of voters, on the ground that Messrs. West and Hamilton were not petitioners, or parties before the committee. The Grenville act declared, it was true, that the decision of the committee should be final and conclusive, but it was to be so only "between the parties." Now, if Messrs. West and Hamilton were not parties, so that no evidence could be admitted to connect them with bribery, as little could they be parties to the effect of making the report conclusive in the meaning of the act of parliament. Mr. Young said, that he believed he was speaking the sentiments of all the members of the committee in declaring, that the committee, while they excluded the evidence on the ground mentioned, had done so under the impression that, if there existed any foundation for the charge of bribery, the electors would have an opportunity of proving it, by presenting such a petition as that now before the House. The House being about to rise for the Whitsuntide holidays, the discussion was adjourned till the 30th of May. The attorney-general then declared his opinion that the petition was one which could not be received. The speaker gave an opinion to the same purpose. An election committee, he said, had the power of

deciding whether the sitting members or the unsuccessful candidates had been duly returned, from which it necessarily followed that every question that could affect the right of either of these parties ought to be brought under the consideration of the committee, and in his opinion, a committee, which abstained from reporting that either the one or the other party was duly elected, failed in the discharge of their duty. But how could the committee conscientiously report either that the sitting members or unsuccessful candidates were duly elected, if they shut out evidence having reference to the merits of the election? He would mention a very recent case, so remarkably on all fours with the present one, that it was surprising it had not been alluded to. In 1833 a petition was presented from the electors of Southampton, complaining that one of the gentlemen who had been returned for that place was not duly elected. The committee decided that the sitting member was not duly elected, and that one of the unsuccessful candidates was duly elected, and ought to have been returned. After the committee had reported that decision to the House, it was attempted to present a petition, as in the present case, against the unsuccessful candidate, on the ground of bribery and treating; but his predecessor in the chair gave it as his opinion, that the committee, who had the power to investigate all the circumstances connected with the election having failed to do so, the House was precluded from appointing a new committee to inquire into the charge of bribery and treating. It was obviously the intention of the Grenville act, and

of the succeeding acts relative to controverted elections, to take from the House the power of deciding on questions raised by petitions complaining of improper returns and undue elections; for a separate tribunal was constituted for adjudicating on those matters, and its decision was to be held as final and conclusive. With reference to the Dublin election, he undoubtedly was of opinion, that the committee came to an erroneous decision in declaring that the unsuccessful candidates were not parties before the committee, and in preventing the reception of any evidence affecting their right to seats in that House. In their report the committee stated, that a certain number of votes were struck off the poll on account of bribery; and they also stated, what was a most material and important fact—that there was no evidence to connect the present sitting members for Dublin with that bribery. It certainly appeared to him, on first reading the report, that it was expressed in such terms as would have been used if the committee had examined the charge of bribery against the present sitting members, and found that it could not be sustained; but the fact turned out to be, that the committee were induced to agree to their special report, not on account of the failure of evidence against the present sitting members for Dublin, but on account of the exclusion of all such evidence, which was the act of the committee themselves. Then came the important question—what ought the House, supposing it to concur with him in thinking that the committee had mistaken its duty, to do? Now, he thought he was only discharging his duty to the House when he

stated that it was his firm opinion that principle ought to prevail against the particular circumstances of the case; and the House should not give its sanction to a proceeding which might serve as a precedent for shaking off those fetters imposed on it by law, and which limited its jurisdiction in questions relating to controverted elections. The petition was withdrawn.

The proposal for removing the civil disabilities of the Jews was renewed during the present session, and it was now brought forward by the Chancellor of the Exchequer, who moved (May 31), that the House should resolve itself into a Committee, to consider the laws relating to that subject. He placed his proposal on the usual ground, that religion was a thing which ought never to be taken into account in determining political rights and political relations. This was the principle of the measure, and not any indifference to religion itself. It was absurd, he said, to represent the Jews as having no nationality, and as not considering them to belong to one country more than to another. Would this be received as a good reason for exempting them from taxation, or from the penalties of high treason? And if the want of nationality would not be received in favour of the Jew in the one case, why should it be urged against him in the other? The country had already decided this question; for large bodies, as in the case of London, had accepted Jews, when they presented themselves for offices: and there was no reason why this last remnant of our penal code should be allowed to step in between them and their rights as British subjects. Mr. O'Connell asserted, that the

mere raising a question upon the subject was a disgrace to the country, as it shewed that some minds doubted the great principles of toleration. Sir Robert Inglis, Mr. Estcourt, and Mr. Scarlett opposed the motion, as unnecessary in itself, and injurious to the constitution. No petition from the Jews, assembled as a religious body, had called for this measure, not a single synagogue had come forward praying relief. It was not even stated, that the chief priest, or the rabbis, were desirous of this so called enfranchisement. It could not be granted without abolishing the characteristics of a Christian legislature; its members would no longer be sworn on the true faith of a Christian. At no period of the history of England had persons been admitted to political power without confessing themselves to be Christians; and they were now about to get rid of the only security that remained, by admitting to political power persons who regarded our Saviour as a blasphemer and impostor. By their creed and habits the Jews were a distinct race; they could never amalgamate with the great mass of members of the legislature. They would form a Jew party in Parliament, and as such they would necessarily join those who were opposed to the institutions of the state. There was no reason for admitting them, which would not equally apply to a Mahometan or a Lascar.

The House went into committee by a majority of 70 to 19; a resolution was agreed to, declaring the expediency of removing the civil disabilities affecting the Jews, and leave was given to bring in a bill in conformity with the resolution. The second reading was

not moved till the 3rd of August, when, in a House of only 61 members, it was carried by 39 to 22. It was pushed through committee on the 12th, in a House of 45 members, of whom only three voted against it. On the 15th, within five days of the end of the session, it was passed by 44 votes against 13, and sent up to the Lords, where the Marquess of Westminster, who was to have taken charge of the bill, declined proceeding with it, both, he said, on account of the lateness of the period at which it was sent up, and the utter hopelessness of its being carried.

On the 26th of April, Mr. Ripon renewed the proposal which he had made in 1834 for the expulsion of the bishops from the House of Lords. He brought it forward in the shape of a motion, "That the attendance of the bishops in Parliament is prejudicial to the cause of religion." He went into various details regarding the spiritual duties of bishops, in order to shew that, if these duties were properly discharged, they would have no time left for attending to parliamentary occupations, and that the latter necessarily interfered with the former. Although, moreover, he professed himself to be a member of the established church, and free from sectarian prejudices, he manifested some desire to expel the bishops from other places than Parliament, for he asked, "Are the prelatic pomp, the throne, the palace, and the lordly title, in conformity with the purity of Protestantism, and the simplicity of Christianity?"—words which breathed more of Presbyterianism than of episcopal doctrines. The only plea he had ever heard put forth to justify

their sitting in Parliament was, that they might represent the interests, and defend the rights, of the church. But the church, as a spiritual community, had no connexion with secular government. It had property which was duly represented, and its ministers enjoyed with other citizens the right of voting for members of parliament. If the bishops were to be considered as representing the church, then they ought to be elected by the clergy, instead of being appointed by the minister of the day, and always with a regard to their political opinions. In the House of Lords they formed a body insignificant in numbers; they had no veto in ecclesiastical matters; and unless the laity in the two Houses were favourable to the Establishment, it was clear that it could not be held up by 30 bishops sitting in an assembly of nearly 400 members. But on the other hand, serious evils had resulted from their meddling in political affairs; their votes had often secured the most active popular hate, not only to themselves, but to their order.

The motion having been seconded by Mr. Gillon, the House did not seem to feel the necessity of hearing any speeches against it; and lord John Russell rose merely to assure the mover, that it was not from any disrespect towards him that he would not enter into the discussion, but merely because he was convinced it could lead to no practical result; as neither the House nor the country was disposed to entertain such a proposition. But although he would not enter into the argument, he hoped the House would not suppose that he was not prepared to advance grave and sufficient reasons for voting

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against the motion. Mr. Rippon having pressed his motion to a division, it was lost by 180 against 53. In 1834 the division had been 128 against 58.

We have already noticed the unmeasured virulence and abuse with which Mr. O'Connell and his partisans assailed the House of Lords for the course they had adopted in regard to the Irish municipal bill, and their loud threats that the constitution of Parliament must be changed, so as to deprive the peers of their constitutional rights, if effect was to be given to the reform act. On the 20th of May, the day on which he took his seat as member for Kilkenny, after having been unseated for Dublin, and two days after the upper House had passed their Irish municipal bill, Mr. O'Connell gave notice that, on the 21st of June, he would move for leave to bring in a bill to reform the House of Lords, by making that body elective. The announcement was received with loud laughter: and Mr. G. Price intimated that he would move to have this notice expunged from the notice book, as being derogatory from the dignity of parliament, inconsistent with the principles of the constitution, and an abuse of the privileges of the House. Mr. Price afterwards withdrew his motion on account of a technical difficulty which stood in his way; and lord John Russell took occasion to state, that although it was his intention to oppose any such motion as that of Mr. O'Connell, yet he held that, as it was the undoubted right of the House to entertain bills for regulating the succession to the throne, or reforming the representation, so it was likewise their undoubted right to introduce,

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and to favour, if they should think fit, bills respecting what was called reform, but what he did not consider reform, in the other branch of the legislature. Mr. O'Connell did not seem to be in earnest with his motion himself. It was delayed from time to time, till the 2nd of August; when he stated that he did not mean to proceed with it, on account of the late period of the session—although it had originally stood for the 21st of June. He added, that every thing, which had since occurred, had convinced him more and more, that it was the imperative duty of the Commons to take up the question, as the very name of freedom would be extinguished, unless the Lords were reformed; and he gave notice that early next session, he would move for the appointment of a committee to inquire and report whether or not it be necessary for the public weal and the interests of the realm, that a reform should be effected in the House of Lords, by extending the principle of representation to the peerage, by altering the qualification of the electors and the mode of election.

On the 23rd of June, Mr. Grote brought forward his annual motion for vote by ballot, and supported it, with Dr. Bowring, Mr. Ewart, Mr. Leader, and other members, on the principle which on former occasions had been so frequently and so largely discussed. The only member connected with the government who spoke was Lord Dalmeny, and he opposed the motion, which was lost by a majority of 139 votes against 51.

In consequence of the destruction of the two Houses of Parliament by fire in October, 1834, the House of Commons had named a select committee, during the ses-

sion of 1835, to consider all matters connected with the rebuilding of these edifices. On their report, an address had been presented to the Crown, to appoint commissioners to receive plans by open competition, from which they were to select not fewer than three, nor more than five, to be submitted to the committee. More than ninety plans had been given in; the commissioners had selected four of them; and the committee was now renewed (February 9th), for the purpose of determining which of these four ought to be adopted. Mr. Hume, however, followed this up with a motion, that it should be an instruction to the committee to consider the propriety of removing the Houses of Parliament to another site. In this country, he said, it must be recollected, that the atmosphere was not always clear, and therefore it was very desirable to have the benefit of an open space. But at present at least an hour and a half of daylight was lost, by the proximity of the houses to the Abbey, in comparison with what would be gained, if it stood at the western end of the abbey. Westminster Hall, too, interfered with their light and air, and although its proximity might be convenient for the lawyers, their convenience ought not to be taken into account. All the courts of law ought to be removed to Lincoln's Inn Fields, a situation much more central and convenient, both to the public and to the profession. The new Houses of Parliament ought to be built on the site occupied by St. James's Palace and Marlborough House. That situation would be more quiet, more airy, better lighted, and more convenient for five-sixths of the members. Besides, as St. James's

Palace could not be used, now that the new palace was finished, the expense of keeping up the former would be saved.

The Chancellor of the Exchequer objected to such a proposal being now made, after all that had been done on the supposition that the site was not to be changed. The committee of last session had the proposal before them, urged by Mr. Hume himself, and had rejected it. On the report of the committee the House voted a sum of money, that preliminary steps might be taken, and Mr. Hume had even wished the government to ask a larger sum than they thought necessary. Following up all this, houses had been taken down, materials had been cleared away, and all the plans had been called for in reference to the present site. This matter did not rest with the Commons alone, but was the result of a combined proceeding with the other House of Parliament. Lord R. Grosvenor thought that although the proposition did come rather late, still it was worthy of consideration. For one member to whom the present site was convenient, there were twenty to whom it was inconvenient; and members, who lived at any distance from Westminster, consumed almost the entire day in coming to and returning from the House. A change of site would likewise be a great public advantage, for nothing was more injurious to the health of a city traversed by a river, than to heap up buildings on its banks, and thus prevent the free circulation of air. Sir R. Peel thought it impossible to give countenance to any proposal for changing the site, unless some very urgent reason could be alleged, and he had

heard none that deserved that character. If members chose to fix their abode at a distance from Westminster, that was their own affair; and he doubted whether those who were most in the practice of attending to parliamentary business were not right in living at a distance, and thus insuring some exercise twice a day. It was easy to say that other sites might be found, but it should be recollected, that the people were habituated to regard the present site as the place of meeting of the legislature, and even historical recollections ought to be considered of some importance. Neither should it be forgotten, that large investments of property had taken place on the assumption that the Houses were to remain in their present situation. Sir Frederick Pollock, on the part of the lawyers, stated, that to them it was a matter of perfect indifference whether the site should be changed or not. It was true that the courts of law sat for a certain portion of the year in Westminster hall, but the courts of chancery sat for a much longer time in Lincoln's Inn, and the court which he chiefly attended sat at the Guildhall in the city, or its immediate neighbourhood. But to attorneys and solicitors, and a portion of the public connected with the administration of justice, the proximity of the Houses of Parliament to the courts of law was of the greatest importance, when the House of Lords was sitting as a court of appeal, and when committees of the House of Commons were sitting on business which required the attendance of gentlemen of the bar. Mr. Hume found only 44 members to vote for his motion against 143.

The committee thus re-appoint-

ed reported on the 15th of March. They recommended that an address should be presented to his Majesty, praying him to institute inquiries as to what would be the probable expense of executing the plan which had been sent in by Mr. Barry the architect. The address was voted. This address, and the report of the committee, did not amount to a formal selection of Mr. Barry's plan as the best, and as the one which ought to be adopted; for the committee thought that they could not safely recommend the ultimate adoption of any plan till the expense had been ascertained; but the proceeding was, nevertheless, a plain intimation that the plan in question was the one which had been preferred by the commissioners and the committee, and the committee of the House of Lords had arrived at the same conclusion. It was scarcely to be expected that such a competition would be terminated without dissatisfaction and discontent on the part of the unsuccessful competitors; and they brought their complaints before the House of Commons on the 21st June, in a petition which was presented by Mr. Hume. They stated that, in framing their plans, they had taken the probable expense into account, as an important consideration to which it was their duty to attend; while the commissioners declared that they had come to a decision wholly independent of the question of expense, as not an object for their consideration. They said that, in obedience to the elaborate instructions which had been issued, minutely specifying the number and dimensions of the several offices and apartments, they had given their best attention to this essen-

tial part of the work, while the commissioners had avowedly been guided in their choice by the "superiority of the elevation." They stated, that, as well by the general instructions, as by the report of a committee of the House on sound and ventilation, of which committee one of the commissioners was a member, the petitioners, as competitors, had constructed their plans with reference to these objects; but the commissioners declared that they did not allow that subject to have weight in determining their "preference." They arraigned the preference which had been given to the four selected plans, as proceeding upon grounds, which appeared, from the statements of the commissioners themselves, to be insufficient, and even contradictory; one of them being praised for its adherence to the instructions, while another was chosen in which the instructions were disregarded. As the commissioners had been empowered to select five plans, and had selected only four, the architects regarded this as a slur cast upon the profession, as if not even five deserving plans could be found among so many; and they complained that architectural knowledge and professional experience had not been resorted to in aid of the judgment of the commissioners. They therefore prayed that the House would either hear them by counsel at the bar, or appoint competent persons to examine the grounds of the report of the commissioners before finally adopting any of the plans.

No person supported the prayer of the petitioners to be heard by counsel, and the matter was allowed to lie over, till the evidence which had been taken before the select committee, by whom the commis-

sioners themselves had been examined, should be laid on the table. The whole subject was then brought forward on the 21st of July, by Mr. Hume, who thought that it was necessary to have an entirely new competition, conducted upon somewhat different principles. Several errors, he said, had been committed, which prevented the present result from being satisfactory. It was an error not to have fixed the amount of the expense at first as an element to be considered in the plans. It was an error to have named the commissioners before the plans were sent in. He did not accuse them of any improper conduct, but the other mode of proceeding would have prevented all suspicion. Another error had been committed in assigning only four months to the competitors; a year or more ought to have been allowed to prepare the plans, and no plan ought to have been finally selected, till they had all been submitted to public examination. The commissioners had done wrong in restricting the competitors to two styles, the Elizabethan and the Gothic; and, finally, he had no hesitation in saying, that their preference of Mr. Barry's plan was the result of an erroneous judgment. The commissioners had preferred it, taking the exterior and interior together. When asked in the committee, if there were any of the other plans in which the interior arrangements were better, they would not answer "no," but repeated that altogether they preferred Mr. Barry's plan. They were asked if Mr. Barry's exterior and the interior of another plan might not be combined, so as to unite accommodation with architectural beauty. To that they said they had no objection; still,

upon the whole, they preferred Mr. Barry's plan. Now, he was authorised to state, that this plan varied in numerous and most important particulars from the instructions which had been issued for the guidance of all the competitors, and there were variations which greatly diminished the accommodation required by the instructions. The vote office, and some other apartments, had been omitted in the successful plan. The space below the bar in the House of Lords, the peers' robing room, the library, the division lobbies, and even the body of the House of Commons, were greatly inferior in dimensions to what was required by the instructions, so that the body of the House, which was to contain between 400 and 500 members, allowing each about twenty-two inches of sitting room, would contain only about 326 members. In short, the instructions issued had been completely disregarded, although the commissioners had reported that they found the plan agreeable in all respects to these instructions.

Mr. Hume thought likewise, that the public had reason to complain of the commissioners for not having made any specific inquiries as to the expense of the proposed plan. When examined before the committee, they said, that they saw no reason for believing that it would cost more than 500,000*l.*; all that the author of the plan himself said was, that he did not believe it would cost more than that sum. A farther and more minute inquiry was instituted, and the result was, that after divesting the plan of some ornamental work, the cost of executing it came up to 724,000*l.* He was convinced, that even this sum was by far too low an

estimate ; he believed that the plan as altered could not be executed for less than 1,300,000*l.*, and that if executed as originally designed, it would cost not less than 1,800,000*l.* He stated this on the authority of architects, who had measured every part of the building, and he was ready to prove it before a committee. Moreover, the alterations which had been made on the plan not only affected the expense, but were productive of injustice to the other competitors, who were equally entitled to have made alterations. There was as much difference between the plan to which the prize had been awarded, and the plan as altered, as between an oblong square and a triangle. The plan, in short, was not Mr. Barry's, but, in respect of the squares, it was Mr. Hamilton's plan. According to Mr. Barry's original plan, the erection was to have commenced very near Westminster bridge ; but as altered, he went more to the southward, so as to occupy a large portion of Abingdon-street. The great tower over the king's entrance had been removed 100 feet from its original position on the plan ; and, unless a great part of Abingdon-street were pulled down, it would be impossible for the royal carriage to turn round. The terrace façade, too, instead of extending twelve feet into the river, as in the original plan, would block up, according to the amended plan, three arches of Westminster bridge. He would ask the government, whether the plan, of which they had requested his majesty to ascertain the expense, was that which it was intended to carry into effect ? or was it the plan which went far into Abingdon-street ? and was the last plan to be considered as finally amended, or was it to be altered month after

month ? It was no more Mr. Barry's plan, than it was that of one or two other competitors ; it was not the plan which gained the prize ; it was not practicable ; and it was not in conformity with the instructions which all the competitors had been required to follow. In common justice, therefore, not only to the public, but likewise to architects, who, at the sacrifice of other engagements, had devoted their talents and labour to the subject, it was necessary to allow them again the chances of fair competition, since a new plan was thus to be brought forward. He moved for an address to the crown, to direct a new competition of designs, without limits as to the style of architecture, but not to exceed a certain fixed sum as the cost of erection, and that such designs should be examined and reported on by commissioners to be afterwards appointed.

Mr. Tracey, ( member for Tewkesbury ) one of the commissioners, defended their conduct, and answered the complaints of the petition on which Mr. Hume's motion had been founded. The petitioners complained of the great expense they had incurred in getting up their designs, and he was willing to allow that their designs did them infinite credit—that they exhibited evidence of great improvement in Gothic architecture, and that some of them, especially one which came from the north of the Tweed, never had been, and he believed never would be, surpassed ; but they knew that they could not all be successful, and they took their chance of a reward for their abilities, time, and exertions. It was a mis-statement for them to say, that they had been misled in any respect in re-

gard to expense, the commissioners not having even required estimates from them. As a proof of this, Mr. Barry' was now engaged in making estimates for his own plan. As to the merits of the designs, again, the commissioners, in awarding the prize for a design, meant to express by that term the main and general features of the building. The number of plans sent, and the number of apartments in each, rendered it perfectly impossible for the commissioners to measure each individual apartment, in order to ascertain whether it was strictly in accordance with the specifications, but they thought it would not be right to reject any plan distinguished for its architectural beauty and the general correctness of its arrangements on account of a few unimportant defects or variances. Allusion had been made to the additional length which had been given to Mr. Barry's plan, and, very probably, where the original design was excellent, any change might make it worse; but that was a point on which the commissioners had not given any distinct opinion. With regard to the estimate of expense, he contended that the original calculation was not far wrong, viz., 500,000*l*. Since then, it had been proposed to lengthen the building by one hundred feet, and he did not think that with this elongation, an estimate of 724,000*l*. could be called very inaccurate. Mr. Barry's plan had passed through a severe ordeal. Disappointed competitors had for months been endeavouring to find faults in it. They had discovered, perhaps, some trifling errors regarding a few rooms in the plan of the House of Lords; but if the plans

of these gentlemen themselves had been tried by the same severe test, not one of them would have been entitled to the prize.

Mr. Estcourt and Mr. Hawes thought, with Mr. Hume, that the successful plan had been preferred solely in reference to its architectural beauty, notwithstanding great departures from the specification as to convenience and accommodation; that the plan had been altered—the second agreeing with the first as little as the first did with the instructions; and that these alterations were so extensive as to increase the cost of the original design by one half, and add a hundred feet to the length of the building. Since one man, therefore, had been successful by departing from the specification, which gave him a great advantage over those who adhered closely to them, it would be unjust to the other competitors not to allow them to try their fortune on the same footing. Sir J. C. Hobhouse, again, said it was a mistake to assert that Mr. Barry's plan had been selected merely on account of its architectural beauty; respect was also had to internal arrangement. None of the other plans, so far as regarded internal arrangement, could be adapted to his design, while that design itself was capable of great internal improvement, without any external change in the elevation; and surely it could be no objection to a plan that it was capable of being improved.

Sir R. Peel said, that if the House agreed to this motion, they would strike a fatal blow at the principles of competition, and teach the most eminent of living architects to rue the day, when, in compliance with an invitation of the

House of Commons, they sent in plans which had the misfortune to be found entitled to preference. By what had already been done, they had decided that they were themselves unqualified to make the selection; they had said that a commission of professional gentlemen was not likely to give satisfaction to professional competitors; they had determined to leave the matter to be decided by men who were not engaged in professional pursuits. If, after all this, the House were to sit in review on their judgment, to doubt their competency, and quash their proceedings altogether, they might invite a new competition, but he doubted much whether they would find commissioners. What he would most of all things deprecate, next to being appointed a commissioner, would be to have the fortune of being the successful competitor. If he were to be hunted and pursued, as the victor in this case had been, he would rather remain in privacy and oblivion, than attain eminence so barren of success. Notwithstanding all the discussion which had taken place, he doubted much whether they had any better data for coming to a decision on the question of taste, than they had originally possessed. The question was not, whether alterations had been made in the plan, but whether the commissioners, on comparing the original plan of Mr. Barry with the others, thought that it was entitled to the preference. If they were of opinion that, combining exterior beauty with internal accommodation, it was, upon the whole, the best, and afforded the best elements for obtaining a public building, at once creditable to the national taste, and convenient for

the purposes of the legislature, they were justified in giving it the preference. Having given it the preference, nothing would be more absurd than to say, that a plan, adopted as the best of all that had been offered, was to be excluded from any alteration or improvement. And the question now raised was, not whether they should finally resolve to adopt Mr. Barry's plan, but whether they would declare all the proceedings that had been taken, to be null. There was not even an implied engagement with Mr. Barry. The committee had addressed a letter to him, stating, that they were not satisfied on the head of expense; and that before any vote could be proposed to parliament, the most minute and correct estimate possible must be furnished, on the understanding, at the same time, that this estimate would not, in the slightest degree, bind the committee to the ultimate adoption of the plan. There was no engagement with that gentleman; there was only a *prima facie* presumption that his plan was entitled to a preference. Mr. Hume seeing the general feeling of the House against his proposition, withdrew it; maintaining, however, not only that his arguments had not been answered, but that they were unanswerable.

On the 3d of May, Mr. Grantley Berkeley renewed his proposition for admitting ladies to the debates, by moving a resolution, "that it is the opinion of this House that the resolution of the select committee appointed in 1835 to consider the means of admitting ladies to a portion of the strangers' gallery, together with the plan of Sir R. Smirke, should be adopted, and that means should be taken to carry it into effect with as little delay as

possible." Mr. O'Connell saw no good reason against the proposal. Ladies had been admitted to the debates of the Irish parliament, but from a cause not very honourable to the members. At that time hospitalities of a particular kind prevailed in Ireland, and the consequence of these hospitalities was, that many members came drunk to the House. The remedy proposed was, that ladies should be admitted, and from that moment not a single member was seen drunk. He did not mean to say that there existed the same reasons for admitting the ladies into this House, but, at all events, he thought there existed no good reason why they should be excluded.

The resolution was carried by a majority of 132 against 90. The Chancellor of the Exchequer accordingly proposed, among the miscellaneous estimates, a grant of 400*l.* to defray the expense of fitting up an adequate portion of the gallery. He had himself voted against the proposition; but as a majority had twice decided in its favour, he thought it his duty to submit an estimate on the subject. The earl of Lincoln had never imagined that it was seriously intended to carry the proposal into execution; the House had treated the subject altogether as a joke. The president of the board of trade was against the grant; Lord Palmerston was in favour of it, but assured the House that it was not a cabinet question. Another member of the government, the president of the board of control, decidedly dissented from the foreign secretary, and would have attended to vote against the original resolution, if he had not considered it a jest. He thought it was quite enough that ladies should gather their political

knowledge from the journals of the day, and that there should be at least one portion of society in which members might rest from political debate and contention. The French Chamber of Deputies had been quoted as an example, but, without meaning any disparagement to the people of France, did any man wish to see the female society of England assimilated to that of France with respect to political interference and influence? He thought there was something indecent in introducing highbred and virtuous-minded females within the walls of parliament to listen to the multifarious debates which there took place; and he must say, that while standing on the steps of the throne in the other House, he had shuddered at the idea of well-regulated and highly polished females being hearers of discussions which took place, and which were inevitable. He knew that in the old House of Commons ladies were admitted above the ventilator; but discussions did occur, at which, God forbid, either a wife, or mother, or sister of his, should have been present. The Speaker being called on to enlighten the House with his opinion on this momentous question, said, that as the House had twice decided in favour of the admission of ladies to the strangers' gallery, he had felt it a matter of great doubt whether he ought to give any opinion at all on the question; but as he had now been called upon by the House to do so, he must say, that having well considered the subject, and looking at it as a question of considerable importance, with reference to the order and decorum of the House, and with reference to the influence which might be exerted on the House, he had come to a distinct and positive conviction, that the mea-

sure was most undesirable. He had formed and expressed this opinion, without reference to those whom it might please or displease, and in the discharge of what he conceived to be his duty to the House. The grant was refused by a majority of 42 against 28. Any proposition of this kind ought to come from a man who knows the worth of woman in her moral nature, where all her excellency lies. Coming from the quarter from which it did come, the earl of Lincoln and Sir John C. Hobhouse would have been justified in treating it as something too ridiculous even for a joke. This same Mr. Grantley Berkeley thought fit, in the course of the year, to publish a book, which he

called a novel. A periodical publication criticised it severely, but, (with the exception of some personal allusions, which, though not unprovoked, it would have been better to have omitted,) not one whit more severely than its absence of all mind and morality deserved. The honourable Mr. Grantley Berkeley called to his aid a strong-shouldered comrade, and the two magnanimous men committed a brutal assault on the publisher of the obnoxious periodical. A jury avenged this violation of law; and public opinion went even farther: but what is to be thought of this man taking under his protection the women of Great Britain?

## • CHAP. VII.

*AGRICULTURE.—Appointment of a Select Committee of Inquiry—The Committee makes no Report—Motion in favour of Agriculturists in reduction of Taxation—FINANCE.—Motion for the Repeal of the Additional duty on Spirit Licenses—Motion to reduce the Pension List—The Budget—Reduction of Stamps on Newspapers—Motion to reduce the Soap Duties in place of them—Clause requiring all Proprietors to be registered—Struck out in the House of Lords—Bill dropped by the Commons as being an altered Money Bill—New Bill brought in without the Registration Clauses, and passed.*

THE complaints of the agricultural class of the community, which, for several years, had annually been brought before parliament, still continued, accompanied by speculation, as various as ever, regarding the causes which had produced their distresses, and the expedients by which they might be removed. The more enthusiastic apostles of free trade held, that the removal of all duties on the importation of grain would benefit the grower no less than the consumer; others thought that no relief could be found, except in departing from the existing system of the currency; a third class called for reduction in those taxes which were supposed to press peculiarly on the agriculturists; and a fourth maintained that no permanent assistance was to be found, but in a general reduction of the rents which the farmers paid. The government took up the question very early in the session, and suspended, at least, the discussion of the various questions connected with these topics, by proposing the appointment

of a select committee. The motion was made by Lord John Russell on the 8th of February, on the ground, that whenever any great branch of national industry was materially depressed, it was the duty of parliament to give a favourable consideration to the complaints of those engaged in it, to ascertain the facts of the case, and, if possible, to devise a remedy; and the proposition, his Lordship added, arose more from this feeling, than from any hope that the distress of the agriculturists could be removed by legislative interference. Those who complained of this distress, and those of them more particularly who were directly engaged in agricultural pursuits, uniformly specified the low price of wheat as the main cause of it. Now, although it was true that the price of wheat at present was extremely low, there had not been an equal fall in the other descriptions of grain. The returns since 1828, when the last corn-law was passed, shewed that wheat had fallen from 60s. 5d., the average in 1828, to 39s. 4d., the

price in 1835, being a reduction of 36 per cent.; that barley, on the contrary, had fallen from 33*s.* 10*d.* to 29*s.* 11*d.*, being only a fall of 9 per cent.; and that oats had fallen from 22*s.* 6*d.* to 22*s.*, being a fall of 2½ per cent., the difference between the fall that had occurred in the price of wheat and oats being 33½ per cent. The committee, therefore, would have to consider not only the low price of wheat, but likewise the alterations which had taken place in the prices of different kinds of grain, and of other articles of agricultural produce. They would likewise have to ascertain and to weigh the changes already produced, and likely to be produced by the new system of poor-laws. In some instances the amount of poor-rates paid had already been reduced by one-third, and was expected to be diminished to one-half. In one district of the county of Bedford the reduction of rates had been so great, that, in the quarter ending last December, they had been only half as much as they had been in the corresponding quarter of the preceding year; they had fallen from 2,500*l.* to 1,200*l.* An agricultural committee, therefore, ought to take that subject into their consideration, and to see whether a great amelioration had not taken place in the rural districts, owing to the passing of that act. Another point which would have to come under the consideration of the committee, was the existing state of the law as to county-rates. There were charges made upon those rates which were not sufficiently examined; they had been glanced at in the report made by the committee upon county-rates; but there might still be more effectual checks devised on that expenditure, of which it was difficult to

see the object, and of which it was hard to tell where the efficient control ought to be placed. Government, however, did not think it would be expedient that the committee should enter upon the question of the corn-laws. The arguments relating to it were arguments on principles rather than on facts, and would be more usefully discussed before the whole House. One remedy, however, for agricultural distress had sometimes been proposed, in regard to which, his lordship said, he thought it necessary to express a still stronger opinion, he meant an alteration of the currency. Although he might think it not a desirable thing in itself to restrict the inquiries of the committee, yet he was bound to state, that no recommendation or opinion would induce the government to adopt or countenance any proposal for tampering with the currency, a measure which they thought would neither be consistent with the public faith, nor conducive to the public interest. They were determined to adhere to the solemn resolution of the House on 24th April, 1833, "that any alteration in the monetary system of the country, which would have the effect of lowering the standard of value, would be highly inexpedient and dangerous." He moved that a select committee should be appointed to inquire into the state of the agriculture of the country, and into the extent and causes of the distress which existed in some of its important branches.

The marquess of Chandos approved of the appointment of the committee, provided it were fairly constituted, and not unduly restricted in its inquiries. He did not think it right, whatever might be his own opinion, even to prevent

those who might believe that they could make out a case on the question of the currency, from being heard. Whatever might be the causes of the agricultural distress, the time had now come when they must be investigated. The numerous agricultural associations which had been recently formed in various parts of the country shewed that the farmers, feeling themselves involved in difficulties under which they could no longer go on, had taken up a determination to have justice done them. Even if it should turn out that parliament was unable to give relief, the farmers would still have the satisfaction of knowing that their case had been fairly inquired into—Mr. Roebuck, a radical member for Bath, thought it would turn out, if the committee properly defined what was meant by the terms “agricultural distress,” that there was less reason for complaint than seemed to be assumed. The agricultural interest consisted of three classes, the labourers, by far the most important, the farmers, and the landlords. He believed that the condition of the agricultural labourers was better now than it had been twenty years ago. Farming, again, was the application of capital to the cultivation of land; and if the committee should ascertain that capital so employed was not less profitable than when employed in any other business, what was meant by “agricultural distress” as applied to the farmers? Last came the landlords, the least numerous class, and a non-productive class. They, no doubt, were in distress, but only in consequence of their own conduct; not by any act of the law, which specially favoured them, but through their own proceedings.

Their distress arose out of habits and times different from the present, when, unhappily for the country, the landlords enjoyed a monopoly of supply, we being cooped up within the four seas. The habits of expense then contracted and continued under different circumstances, together with the large charges upon their estates, had ruined the landlords. Now that we were no longer confined within the four seas, or at war with the whole world—now that the great body of the people were better off than formerly, but when the expensive habits of the landowners were destroying them, those persons had no right to call for compensation for losses and difficulties which were purely the effect of their own proceedings, and in which the community was not interested. He hoped, therefore, to whatever conclusion the committee might come, that they would settle whether and how far it referred to the agricultural labourers, the farmers, and the landlords.—Mr. Attwood, on the other hand, a radical member for Birmingham, contended, that the landlords had already been plundered by the currency act of 1819, against which he violently inveighed, and in which he found the cause of all the agricultural distress which existed. If rents were to be reduced, why should not likewise dividends from the funds be reduced? The landlords had already lost 30 per cent by the alteration in the currency; what would be their condition, if they were called to give up other 50 per cent. as a diminution of rent? Under the present standard of value, one half of the tenantry were already ruined, and the other half were rapidly travelling the

same road. When they had reached that destination, the landlords would not be long behind them, and their estates would soon be in the possession of mortgagees. The industrious classes had been deceived and defrauded, and their capital taken from them, by a currency which was neither sound nor just, and which, if left in its present state, would not fail to bring another deluge of ruin on the mercantile and manufacturing interests. He therefore moved that it should be a special instruction to the committee, "particularly to inquire into the effect which the bill of 1819, commonly called Peel's bill, had produced in causing the present distress of agriculture." Without this the committee would be a mere delusion: they would summon before them a host of witnesses, to prove that there was nothing rotten in the state of agriculture, and that any little evils which existed might be remedied by taking off the tax on shepherds' dogs, and making some alteration in the county rates.

Sir Robert Peel agreed, that, whenever there was a strong and general feeling among a particular class admitted to be distressed, an inquiry into their condition was desirable, and might be advantageous. Under such circumstances, those who doubted the utility of the investigation were nevertheless bound to consent to it, and thereby obtain the moral advantage to be gained by the inquiry, whatever might be the result. At the same time, he did not concur in the expectation that the appointment of the committee would end in any practical advantage. His belief was, that when the committee sent in their report, probably at the

close of the session, the result would prove to be not very different from that of 1833—namely, a strong opinion on the part of the committee, and as firm a conviction on the part of the House, that legislative interference would not afford the means of relief or prosperity to the agriculturists; and as to the currency, if he thought that the committee was appointed with a view to an alteration of the standard of value, he would not consent to the proposition. If they were about to undertake the task of ascertaining the effect produced upon agriculture by the alteration of the currency in 1819, and of investigating the various causes of depression to which that interest had been exposed, they were about to enter upon an inquiry which, pursued in the usual manner, would necessarily end in disappointment. If they took evidence regarding widely different parts of the country, with a view of assigning to each particular depression its peculiar cause, they would engage in a task which could not be accomplished by any committee. To select particular circumstances of distress and depression from particular parts of the country would be fruitless, and would not prove satisfactory to the rest. It was true, that if a committee was to be appointed, it was wise not to restrict its powers closely within the limits of a particular subject. But, so far as the interests of agriculture were concerned, they would be best promoted by the committee addressing itself to practical remedies, by which it might obtain the means of administering, if not extensive relief, at least material alleviation to the agriculturists. Something might be done in regard to the land-tax;

and it might be worth while to consider whether there was not a possibility of diminishing, in some degree, the amount of payments required from united agricultural parishes, on account of the building of workhouses under the poor-law amendment bill. He thought the interest payable for the advances was greater than in other cases where public money was advanced. As to an inquiry into the causes of the depression of the price of agricultural produce, it could not be attended with any benefit or produce any practical result. They found a depression of prices admitted, and if the committee thought it necessary to go into the cause of it, he hoped they would not confine themselves merely to the alteration in the currency, but would also consider the effect of a cessation of war, of a return to peaceful habits and pursuits, and of improved and increased means of production. Cases ought not to be selected from particular portions of the country. If the committee were going to ascertain the real causes and condition of agricultural distress, they must not take the case of a heavy soil, where the production of wheat was necessarily expensive: but they must look at the subject as a whole, and not merely look at the condition of agriculture, but at the other interests involved in, and connected with it. One thing appeared self-evident—it was clearly as much for the interest of agriculture as for that of commerce and manufactures, that we should adhere to the present standard of value.

Mr. Attwood having withdrawn his motion, the committee was appointed. The great majority of

its members consisted of the representatives of English counties, a composition which was not agreeable to those who thought that such topics as the currency and the corn-laws would not be treated with the attention which they deserved. Mr. Hume accordingly moved, that the committee should be an open one. Ministers resisted the motion, and it was rejected by a majority of only seven, 142 having voted for it, and 149 against it. On the 18th of February, a similar committee was appointed by the House of Lords on the motion of lord Wynford, with the concurrence of lord Melbourne, who stated the willingness of ministers to lend its inquiries every assistance in their power, but their determination likewise to resist any project for tampering with the currency. The committees, however, as sir Robert Peel had predicted, ended in nothing. On the 21st of July, the chairman of the committee stated to the House of Commons, that they had resolved merely to report the evidence without any opinion or observation. A draft of a report had been drawn up by the chairman; but so much of it was objected to by those members who stood most prominently forward as the advocates of the agricultural interest, that no report was made. Sir James Graham laid the blame upon the government; because, although they had proposed the committee, and were bound by their situations to have taken the lead in its proceedings, they had gone on with imperfect and undecided views, ready to catch at any thing which might turn up, and were found, at the conclusion of the inquiry, totally unprepared with any plan or recommendation. In these cir-

cumstances, the friends of the agriculturists could do nothing but prefer the absence of any report whatever.

Lord John Russell denied, that because ministers had proposed the committee, they were bound to be provided with any specific plan. As the marquess of Chandos had given notice of a motion for the appointment of such a committee, they had thought it right to take up the question; and they thought, likewise, that it would not be desirable to propose such a proceeding, unless it could be expected that the committee would state in its report some prominent measure of relief; like those, for example, which had been already granted to the agricultural interest; namely, relief from the burden of county rates and poor-rates. At the close of their labours, the chairman had framed a report, which was communicated to all the members, and, according to established usage, a meeting was called for the special purpose of taking that draft of a report into consideration. On that occasion twenty-five members attended, eighteen of whom represented agricultural counties. He had expected that the proposed report would have been strictly canvassed; and he had been prepared to give his opinion on every point to which it referred; but sir James Graham had objected to the report altogether, contending that the committee ought merely to report the evidence, without any observations. He himself had considered this proposal objectionable, especially considering the quarter from which it came. He had expected that the opponents of the proposed report would submit to the committee some other expedient for

aiding the agriculturist; and he certainly had felt no small surprise that all idea of making such a report should be abandoned without the least hint being given of any plan for relief of agricultural distress; that those, who had been calling out for months and for years about the distress of the agricultural classes, should now have nothing to submit to the consideration of parliament—no definite proposition to make, or remedy to suggest. When this proposition, however, was likewise supported by the marquess of Chandos, he had acceded to it; but he had done so with reluctance, for it could not prove otherwise than a disappointment to the country, and especially to the great body of the farmers, who had long been looking to parliament for relief. The committee might certainly have disapproved of the proposed report; but surely they ought to have known that the public would expect them not to separate without coming to some decided opinion, and recommending to the House some definite plan. The marquess of Chandos said, that the report which had been prepared would have inflicted greater injury on the agricultural interest than any other conceivable measure. He would much rather have the evidence stand alone, than accompanied by any opinions likely to emanate from a committee constituted as this had been; for he considered that evidence as having fully established the case which the interests of the farmer required. Mr. Hume, on the other hand asserted, that the evidence utterly destroyed that case, as it made out that the working man was in a much better condition now than he had been for many years past.

Sir Robert Peel, too, had acquiesced in the proposal that there should be no report, but he stated more particularly why it had become necessary to arrive at that conclusion. It was quite true, that lord John Russell had been prepared to discuss every point of the proposed report in the committee. He had gone through the draught, reading it, like a magician, backwards, and as he went on, he struck all the brains out of it, stating, when he objected to parts of it, that he would give most satisfactory reasons why they should not be retained. Against any observation on the subject of the currency, there was this objection, that the House itself had already adopted a distinct resolution, declaring any alteration of the monetary system to be highly inexpedient and dangerous. Then they had come to the questions of the malt tax, and an increased duty on foreign corn; but these, likewise, he had treated as questions of too much importance to be reported on by a select committee, and he wished the paragraphs which referred to them, to be omitted. He had acted in the same manner with regard to one or two other points; and when the committee came to look at the report, they found that his sickle had so completely gathered up every important resolution of the committee, that there was nothing left to report upon. His lordship had, indeed, proposed a panegyric on the reduction which had been effected in the county-rates, amounting altogether to 70,000*l.*; and which was attained by the expenses of criminal prosecutions being partly borne by the government. He believed, that the farmers were quite aware of the fact, and that in consequence their rates were reduced a farthing

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in the pound; the proposed resolution was at any rate a proof that he thought either that they were not informed of the fact, or that they were not sufficiently alive to its importance. The noble lord had also recommended that the report should specify the tithe bill as a measure of great importance, and likely to give great relief to the agricultural interest; but he had suggested to his lordship, that the tithe bill had not yet passed into a law, that it was then before the House of Lords, and although he sincerely hoped that it would receive their assent and concurrence, he thought it would be rather premature to dwell upon a measure as a great boon to the agricultural interest, which had not yet become law. The noble lord had then adverted to the progress which had been made under the new poor-law in diminishing the burdens upon agriculture; but he (Sir R. Peel) did not think that it was exactly the province of the committee to enter upon the consideration of the poor-law; for very little evidence had been taken upon the subject, and although that question would doubtless have formed an useful head of inquiry, yet, as the committee did not enter upon it, if they had ventured to say too much, and to predict great benefits from the measure, the consequence would be, that the report, although future events might confirm the conjecture, would not be founded on any evidence that had been received. There was, however, a paragraph in the report relating to stiff lands which had been left undrained, and recommending the Scotch method of applying the plough and draining the sub-soil; but they had all felt that

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if they omitted in their report every thing relating to the corn laws, every thing about the malt tax, and the duty on foreign corn, the plough would stand in rather too bold relief. He was, at first, certainly disposed in favour of presenting a report; but when he considered all the circumstances to which he had referred, and the expectations which had been formed, he most willingly acquiesced in the propriety of making no report at all; and he was very sure that the disappointment which would be felt would not be so great, as if they had presented a report in which all the remedies, that had been proposed for the relief of agriculture, had been discussed. But as ministers had proposed the committee, and were therefore responsible for what it had done, it was too late for them, if they agreed in reporting only the evidence, to endeavour to throw upon others whatever responsibility there might be for the committee having made no report.

The distresses of the agriculturists were brought forward, in another shape, on the 27th of April, by the marquis of Chandos, who wished the House to express its opinion that, in any reduction of taxation which might take place, the interests of agriculture ought to be particularly kept in view. It was not his meaning, he said, that any peculiar favour should be shown to the agricultural interest at the expense of other classes; what he wanted was, not a partial, but an equal distribution of taxation. The amount of taxation reduced or repealed during the last five years was upwards of eight millions, of which not more than half a million bore directly on the landed interest; the overwhelming mass of it had been

given to the manufacturing interests. On the other hand, the agriculturist suffered from imposts which did not press upon others. He was oppressed by the malt tax, which every government seemed equally determined to retain. Then he had to bear the burden of county-rates and highway rates, which were considerable. Last year, it was true, the government allowed a grant for defraying the expenses of prosecuting felons in agricultural districts, which ought to have produced a diminution in the county-rates; but it had not. The expense of prosecuting felons ought generally to be at the national charge. In this respect the farmers of Scotland were better off than the English farmers; for though they had King's taxes to pay, they were free from local taxation. In 1834 a committee of the House of Lords reported, in reference to the manner in which the county-rates and the highway-rates affected the farmer, that it was clearly established in evidence, that, so far from his returns compensating him for his outgoings, they were diminished considerably below them; and it was recommended that inland communication, being a general benefit, the expense of maintaining it ought to be defrayed out of the national purse. The charge for highway-rates, &c. was 621,504*l.*, of which 388,440*l.* was levied on the landed interest, and 233,064*l.* on other parties. He thought it impossible but that the House would admit that a most unjust portion of taxation was thrown upon the landed interest. The consequence was, that, as appeared from evidence already before the House, in many instances the entire capital of the farmer had been lost; from year to year, tenants

had been removed ; a great part of the land had gone out of cultivation ; and what was worse, less wheat had been sown this year than usual, in consequence of its low price, and much land had been devoted to other speculations. In such a state of things, the landed interest was only claiming justice, when it asked that it should have an equal participation in any relief which might be given from the pressure of public burdens. He moved a resolution, " That, in the application of any surplus revenue towards the relief of the burdens of the country, either by the remission of taxation or otherwise, due regard should be had to the necessity of a portion thereof being applied to the relief of the agricultural interest."

Lord John Russell objected to the motion, both on its merits, and because he thought it premature to entertain such a question, before the agricultural committee, which was then sitting, should have made its report. It was premature likewise, because it did not yet appear whether there would be any surplus to justify a reduction of taxation ; and it was when reductions were actually to be made, that members, who charged themselves with the care of particular interests, ought to raise the question, whether the reduction would not be more useful if applied in one direction than in another. It was at least to have been expected, that the maker of such a motion would have pointed out some tax, or taxes, as peculiarly pressing on the agriculturists ; but instead of this, there was only a general declaration that the agricultural interest was one to which, above all others, relief ought to be applied. It was a

mistake to imagine that this interest had not derived its full share of advantage from the reductions of taxation, which had already taken place. The beer tax was one which materially affected the agriculturists. At the time it was taken off, it had been a question, whether it would be more beneficial to the landed interest that the tax upon beer, or that upon malt should be reduced. It was considered preferable to apply the reduction to the former, and the consequence was, that three millions, the taxes upon beer, were taken off—a circumstance highly beneficial to the agriculturist, for by that reduction the consumption of malt was very materially increased. There, no doubt, were particular taxes which applied to certain particular interests ; but it would be a great mistake to say, that overlooking the interests of the rest of the community, and confining themselves to those of a particular town or district, they should consider its especial benefit alone, when a general reduction of duties should take place. There had taken place a considerable diminution of the taxes on candles and soap, and would it be maintained that the diminution had not contributed to the benefit of the agriculturist ? Looking, then, at what had been done with reference to articles of consumption in general, and considering the present state of the country, he was not prepared to say, that there was any other article, with respect to which any such reduction could be made as would tend to the advantage of the landed interest in particular, excepting the malt tax, a topic which was not now pressed, probably from a conviction that the mind of the House was made up [ Q 2 ]

as to the utter impracticability of reducing it. It was true, there were many burdens which weighed heavily on the landed interest. There was, for instance, the tax for the relief of the poor. But had the government neglected the landed interest in that particular? They had passed a measure calculated to mitigate that evil; and the last returns of the poor-law commissioners would show the beneficial operation of that measure during the last quarter. The parishes of which an account had been given were 2,290 in number, which had been selected, not because any particular reduction had taken place in them, but because the accounts had been more fully made out with reference to them than others. The whole expenditure in those parishes in 1833, 1834, and 1835 for the quarter corresponding with the last was 1,258,000*l.* The estimate of the expenditure was now 639,000*l.*, making a reduction of 619,000*l.*, or a saving at the rate of 49 per cent. That was a practical measure; one of great advantage to the land-owner, the farmer, and the labourer; and one which, when put in force to the full extent of which it would be found eventually capable, would be productive of a greater saving of money to the agriculturist than any other which could be devised. It was by such well considered measures as that, and not by particular boons given here or there, to particular counties or districts, that the general interests of the country would be most fairly benefitted.

Mr. W. Duncombe, one of the members for the North Riding of Yorkshire, and the earl of Darlington, for the southern division of Shropshire, supported the mo-

tion; both sir James Graham and sir Robert Peel spoke against it, as being out of place, when the House neither knew what surplus there would be to dispose of, nor what the agricultural committee might report. The marquess of Chandos, however, pressed his motion to a division, when it was lost by a majority of thirty-six, the votes for it being 172 and against it 208.

By an act of the 4th and 5th William IV. an additional duty of fifty per cent. had been imposed on spirit licences. Mr. Divett, one of the members for Exeter, and an uniform supporter of the ministry moved, on the 10th March, that the House should resolve itself into committee for the purpose of considering the propriety of repealing this impost. The Chancellor of the Exchequer, however, was under the necessity of resisting the motion, and he opposed it principally on account of the circumstances under which it was brought forward. He trusted that when he came to make his annual financial statement, he would be able to make some reduction in taxation; the question, however, at present was not whether the country could afford to remit 120,000*l.* the amount of this tax, nor was it to be decided merely on a consideration of the relief which the remission of the tax would give to the licensed victualler; for other classes likewise put forward their claims to similar benefits, and it would be the duty of the House to weigh one claim against another. He contended that the tax was in reality a tax on the consumer; that spirituous liquors were a fair subject of taxation, and that there was no limit to the amount of that

taxation, except such as were imposed by the necessity of not creating a temptation to smuggling. This additional tax had become necessary, when government gave up the house duty; but it had not affected the lower class of victuallers, for a measure had been introduced which took from under its operation all victuallers whose consumption did not exceed fifty gallons a year. The whole number of licensed victuallers throughout England was 47,340; this measure had relieved 17,423 of them, being thirty-six out of a hundred, from the additional duty. All the smaller dealers, and especially those residing in agricultural districts had thus been relieved; for, of the 17,423, only forty-one were London dealers. But the relief now sought was for the greater dealers—for the proprietors of the gin palaces—a quarter in which few persons would recommend it to be given or defend it after it had been given. It would comprehend upwards of 21,000 licensed victuallers in London, thus including all the gin shops; and surely, if there was a surplus of revenue to give away, these were not the persons in whose favour it ought to be disposed of. There were many branches of productive industry, which had far higher claims than the consumption of gin. There were the paper duties; there was the tax on raw cotton; and he intended to propose substantial reductions in the stamp duties. The House would act unwisely in declaring, by adopting this motion, that spirits were the first article to be selected for relief from taxation; and, at all events, the subject ought not to be pressed, till they were in possession of

the precise financial state of the country.

Supporters, as well as opponents, of the motion were found on both sides of the House, but Mr. Hume and others of the same class, while they approved of the subject being brought forward, recommended its postponement till after the Chancellor of the Exchequer should have opened his budget; and Dr. Bowring, therefore, moved as an amendment, to adjourn the further consideration of the question. Some of the conservative members approved of this delay, because they considered it impolitic to decide on the reduction of a particular tax until they knew what was the probable surplus of revenue, or whether there would be any; while sir W. Follett, the other member for Exeter, supported the original motion, because he conceived the Chancellor of the Exchequer to have declared that this was a tax to the reduction of which he would not apply a surplus. Mr. Divett having divided the House, notwithstanding the advice of his friends, was beat by a majority of only ten votes, there being 165 for the amendment, and 155 against it. This small majority compelled the Chancellor of the Exchequer to yield. When he opened his budget on the 6th of May, he announced his intention, of taking off this additional duty expecting as he stated, to find an equivalent in "the increased consumption of spirits;" the very result which he himself had justly described as rendering the reduction, now demanded, the last to which any surplus revenue ought to be applied.

Discussions regarding the pension list are fully as much matters

of political principle and of party feeling, as of mere finance; but the various proposals, which had been made from time to time for the reduction or purification of that list, assumed the form of a desire to prevent what was said to be, to a great extent, a mischievous, or, at least, an useless and unnecessary expenditure of the public money. In the preceding session the government had consented to the pension list being printed, and Mr. Whittle Harvey now moved a resolution, April 19, "That a select committee be appointed to revise each pension specified in the return ordered to be printed on the 28th of June 1836, with a view to ascertain whether the continued payment thereof is justified by the circumstances of the original grant, or the condition of the parties now receiving the same, and to report thereon to the House." After stating that the list of pensioners contained 1,303 persons, who received amongst them about 150,000*l.* a year, he went into a history of the restrictions which had been laid on the granting of pensions out of the civil list, from Mr. Burke's original Bill down to the accession of his present Majesty. On the occurrence of the latter event, the duke of Wellington's government had proposed that the pensions should remain as they were, viz., at 143,000*l.* The opposition, including all the members of the present government, had denounced the proposition as one of the grossest extravagance; they had carried a motion for a select committee. In consequence of that vote the ministry resigned; their opponents came into office, and be-

gan by actually making the civil list 12,000*l.* more than had been asked by their predecessors. Subsequently the reform Chancellor of the Exchequer had admitted that there were pensions on the list of which he was ashamed; yet they were retained, because, as was argued, however undeserved they might have been, the government was under a moral obligation to continue them in virtue of some supposed contract. He denied that any such engagement existed. If there was any contract entered into, let it bind parliament if they would, but at least let them know what it was. Between whom was this supposed contract made? To be binding on third parties, those by whom it was made ought to have been disinterested in the result; and that could not have been the case here. The king could not be a party to it, for his accession to the throne could not, and did not, bind him to continue these pensions. If the crown entered into it without the cognizance of ministers, it could not be binding; and if ministers had made themselves parties to it, let them avow it. He would defy the government to point out in the list a dozen names of persons who could be said, even on the most charitable construction of their acts, to have deserved their pension by services rendered to the country in the field or at sea; but numerous were the names of those who had earned this reward by great political profligacy or gross personal vice; and would the present government avow that it had undertaken to continue, at the expense of the public, the remuneration of services like these?

It had likewise been argued that

the pensions ought to remain, because his majesty had given up the droits of the Admiralty, and the four-and-a-half per cent. duties on Leeward Island sugar and rum. In regard to the droits of the Admiralty, the surrender of them had been a mere imposition on the public. In time of war they might yield a considerable revenue, and so long as they did so, the surrender of them had never been proposed; but in time of peace their produce was trifling, and it appeared from returns before the House, that, of late years, it had not exceeded 2,000*l*. The same returns shewed that, in September, 1831, the receiver of these dues had a balance of 8,000*l*. in his hands, and it was to have been expected that this sum would forthwith have been paid into the Exchequer. It was otherwise ordered. Of this sum 6,000*l*. had been applied to the purposes of the crown under a warrant of his majesty; the remaining 2,000*l*. was all that the public had received; and yet the public was to pay 150,000*l*. a-year in pensions in return for having been amused with magnificent promises, and for having received five shillings in the pound of what had been promised them. The four and-a-half per cent. duties were more profitable; a return made in 1831 shewed that they produced a sum of between 20,000*l*. and 21,000*l*.; they were as old as 1663; they had originally been imposed on the Leeward Islands for the purpose of raising a fund to maintain the fortifications and public buildings in a state of repair; and the crown had succeeded in gradually appropriating them to its own use. Not one of the pensions laid upon this fund had been conferred on men who had distin-

guished themselves in arts or arms; while, out of forty of them in number thirty-eight were persons of title, among whom were the wives of sovereign princes or of members of royal families. How, then, could the present ministers reconcile their support of the pension list, either with their former professions, or with their other measures,—with the change, for example, which they had made in the poor-laws? The principle of that measure was this, that every man in the country was expected to exert those energies with which nature had endowed him, for the purpose of supplying his own wants, or adding to his own comforts. How, then, was the poor man to view the conduct of that Administration, which with the one hand applied to the humblest classes of the community a rule so unbending, so stern, so harsh as the poor-law, and with the other defended the great assemblage of state paupers which the pension list presented? In what a favourable light, in what an advantageous position they presented themselves to the people, when they stood forward at one and the same time, with matchless consistency, as the authors of the poor-law and the advocates of the pension list? Could it be any matter of surprise, if working men of England were turned against a Government, which, while maintaining such a list, sent the aged mothers of those men to workhouse prisons, and their children to similar restraint and equal privation? Might they not expect that such men would declare their determination to resist, so long as there were 1,100 state paupers on the pension list, of whom 300 bore titles, having cousins, and uncles, and

other near relatives who squandered thousands upon thousands?

Under the poor law, mothers and grandmothers were liable to the maintenance of children being paupers; but the relations of a titled pauper might spend thousands a-year, without being liable to a single shilling for their support. How long did they suppose that the poor and the working classes of England would submit to such a state of things? Able-bodied paupers were no longer to live upon the parishes, but strong-boned peers were to live upon the state. If 100,000 Englishmen met on Blackheath, he should join them; for he never could cease to sympathise in the feelings which would regard with indignation the spectacle of state paupers living on the nation, while their relatives were rolling in wealth. Did they think, so long as there remained such an obvious inequality between the laws as they affected the rich and the poor, that the people would ever be otherwise than ready for rebellion, or that the higher classes could with any prospect of success hope to maintain the national character of the country? The existence of such inequality and injustice made it clear that the chivalrous spirit of Britain was departing, that the higher classes would now in vain boast of elegance of manners, refinement of intellect, dignity of character, politeness of literature, or a high moral tone. How could they, when there existed such a moral degradation as 300 titled paupers on the pension list, and a total of 1,100 amongst whom desert could hardly be found? Nay, the list contained five daughters of the king of England, possessed though

he was of such extensive private revenue. That it should be so was a monstrous insult to the people of England. The amount of private revenue was very great and but little known. The incomes derived from the duchies of Cornwall and Lancaster—what were they, could any one tell? whence obtained, and how appropriated? The whole was a mystery: and then there was immense patronage attaching to both. With such means, out of which to provide for these five pensioners, for the sake of decency, they ought to be taken off the list. Let a committee be granted, and he entertained not a doubt that he would sweep away at least 70,000*l.* per annum.

Lord John Russell opposed the motion, both as containing a proposition against which parliament had already decided, and as being inconsistent with the practice which had been uniformly followed since the Revolution. It was well known that king William's civil list included the pensions which had been granted by Charles II. Horace Walpole had recorded, with reference to the pension list of his day, that many of the names upon it had been placed there by queen Anne, but that very few pensions had been granted by George II. Such being the case during the reigns of George I. and II., Burke afterwards brought forward his economical reform and there had ever since been great excitement in the public mind upon the subject: but Burke had never proposed to take away the pensions from the present holders. On the contrary, he had devoted part of his speech on economical reform to the very purpose of showing, that reform ought not to be retrospective, and that no plan

that savoured of injustice ought to be adopted in establishing any system of political economy. This, too, was the opinion of Mr. Fox upon the same subject ; for when lord John Cavendish brought forward his motion upon reform, Fox objected strongly to making that reform retrospective. When the successors of the Wellington ministry came into office, the members for Southwark and Middlesex urged, that it was a proper opportunity for a revision and settlement of the civil list. Lord Spencer, then chancellor of the exchequer, opposed that recommendation, and said, that it would be unwise and unjust to take their pensions away from those who at present held them, and that he would never assent to such an ungracious proceeding. The whole course of the policy of the party with which he was connected, whether in office or in the minority of an opposition, had been to respect all pensions already granted. Their opinion had invariably been, that reform should be prospective, and they had ever shrunk from taking the dangerous step now recommended. Any comparison between the holders of pensions under the civil list, and the persons affected by the poor-law act, he could not but consider as most odious and disgraceful. The names of sir Sydney Smith and professor Airy appeared upon the list, to one of whom the nation owed a debt of gratitude, whilst the other was eminently distinguished for the extent of his knowledge. What would be said, in the case of application being made that such persons as those should be placed upon the pension list, if the answer was, "No ; we have lately passed a poor-law bill ; but as we do not

consider you in a situation to starve, we cannot give you the benefit of its provisions." Such a comparison, calculated as it was to excite a feeling of hostility against the persons most interested in the matter, was more unjust and uncalled-for than anything that had ever been attempted to be palmed upon the country. The pensions under the civil list were renewed at the close of every reign, and the pleasure of the country considered with respect to them. The present list had been altered by lord Spencer in the spirit of the act introduced by Mr. Burke ; and no case had been made out to induce the House to break the compact they had entered into with his majesty, and to act in a manner so inconsistent with all former parliamentary proceedings. It was asserted, that many of the persons holding pensions under his majesty were distinguished for nothing but public profligacy and personal viciousness. He did not stand up to defend every part of the pension list, neither had he ever been concerned in it except upon two occasions. He did ask, on the death of sir Walter Scott, for a pension for one of his daughters ; subsequently he had made the same request in favour of Mr. Thomas Moore or some one of his family. He had had, then, very little connexion with the pension list, but he would say, that the learned member's accusations of public profligacy and personal viciousness against persons on that list were most unjust and unfounded. Many of those persons might not be so meritorious and distinguished as to come within the scope of the act of parliament with reference to the pension list ; but when he looked at the gross terms of the

charges against them, he felt bound to give them his most unqualified contradiction. Would the House, upon a bare assertion, unsupported by the slightest proof, take upon itself to examine into those pensions, name after name, to find whether, when they were granted, the persons to whom they were given were meritorious or not? Nothing could be more odious than to rake up old prejudices in such a manner as this.

Mr. Hume enforced the views of Mr. Harvey, while other members, who, generally acted with the same party, although they admitted that an inquiry would be most desirable, thought that the House was tied up by an existing compact between itself and the crown. The Chancellor of the Exchequer denied the statement of Mr. Harvey, that 6,000*l.* of the droits of the admiralty had been carried off from the public for the private uses of the crown. That sum was taken, but it was taken because it belonged to his majesty, having accrued before the transfer of the fund in question to the public. A majority of 122 rejected the motion, 268 having voted against it, and 146 in its favour.

The Chancellor of the Exchequer opened the budget on the 6th of May. He first entered into a comparison of the actual amount of the income and expenditure of the past year with that at which they had been estimated. He had last year estimated the amount of the customs' revenue at 20,000,000*l.* They had amounted to 20,550,000*l.*, thus exceeding his estimate by more than 500,000*l.* The excise had been estimated at 13,270,000*l.*; the receipts had amounted to 13,440,000*l.*, making an increase of 170,000*l.* in that

branch. He had estimated the stamps at 6,980,000*l.*; they had amounted to 7,051,000*l.*, making an increase beyond his estimate of 71,000*l.* The post-office revenue he had estimated at 1,500,000*l.*, but the increase had exceeded that estimate by 51,000*l.* Assessed taxes he had estimated at 3,600,000*l.*; they had exceeded that sum by 20,000*l.* The miscellaneous estimates had fallen short of what he had anticipated by 24,000*l.* Thus on the increase of the whole year the receipts had exceeded the estimate by the sum of 838,000*l.* The whole income had been 46,381,000*l.*; on the other hand, the expenditure had somewhat exceeded the estimates. Setting aside the West India compensation, the estimated charges on the consolidated fund, and the interest of the national debt, had been estimated at 30,580,000*l.*; the actual expenditure had been 30,714,000*l.* being an excess of 134,000*l.*, the whole of which was capable of explanation. The estimated expense of the army had been 6,189,000*l.*, but the actual expenditure was 6,481,000*l.*, being an excess of 292,000*l.* This excess arose out of the fact, that payments made within the year were not always made out of the votes of the year. The navy had been estimated at 4,245,000*l.*, and the actual expenditure had exceeded that sum by 4,099*l.* For the ordnance 1,296,000*l.* had been voted, but only 1,273,000*l.* had been expended, being a saving of 23,000*l.* The estimate of the miscellaneous expenditure had been 2,405,000*l.*; the actual expenditure did not exceed 2,202,000*l.*

For the present year he estimated the expenditure as follows, still setting aside the West

India loan. The charge on the consolidated fund, and for the interest of the national debt, would be 30,620,000*l.*, being 94,000*l.* below the expenditure of last year. The army, likewise, would cost 154,000*l.* less, the estimates for the present year being 6,327,000*l.* The navy again would cost considerably more than it had done last year, because 5000 additional seamen had been voted, at a charge of 434,000*l.* The estimate of the last year had been 4,245,000*l.*; this year it would be 4,680,000*l.* The ordnance for the year he estimated at 1,263,000*l.*, being 10,000*l.* lower than last year; and the miscellaneous expenditure he took at 2,461,000*l.*, being considerably more than the estimate of the previous year. The income of the last year had been 46,381,000*l.* The Chancellor of the Exchequer estimated that it would amount during the present year to 46,980,000*l.*, while the total expenditure would be 45,205,807*l.*, leaving a surplus of 1,774,193*l.* But out of this apparent surplus, payment would fall to be made on account of the West India compensation during the year, to the amount of 1,111,633*l.*, leaving as the utmost disposable surplus with which parliament had to deal, a sum of 662,000*l.* From the state of the revenue, had it not been for the sums payable to the West-India planters, there would have been a surplus of two millions.

In applying this surplus to the reduction of taxation, he preferred selecting those taxes, the repeal of which extinguished a source of fraud, to those which merely afforded relief. He proposed, therefore, in the first place, to consolidate the paper duties, and reduce their pre-

sent amount. No tax could be more absurd, as it was now applied, or hold out stronger inducements to fraud. At present, writing paper paid 25 per cent.; printing paper, 50 to 60 per cent.; coarse paper, 70 to 200 per cent. Such a system necessarily gave rise to fraud. Paper had actually been sold for 40 when the duty payable upon it was 56. In such a state of things, classification was impossible; and the only way of dealing with the matter was, as he conceived, that which he had proposed to adopt—one general duty of 1½*d.* per lb. The loss to the revenue would not exceed 250,000*l.*, and for what remained of the present year, it would not be more than 125,000*l.* He proposed, likewise, to repeal the whole of the duty upon stained paper, for there would be an obvious injustice in making the same article pay duty twice over. This arrangement, however, would not come into operation till October, so as to leave time for the several stocks now on hand to be disposed of, and he expected that there would be no necessity for suspending the manufacture, for the bonding system might be applied to it and the duty paid at a future time, as on soap or any other article similarly circumstanced, the manufacturer using his goods only as he wanted them. There would be a diminution of about 20,000*l.* in the post-office department, in consequence of the convention with France, the whole benefit of which would accrue to commerce, a small diminution in the probate duties, and a reduction of 10,000*l.* in the south sea annuities. These different items would extinguish upwards of 200,000*l.* of the surplus, and the balance he intended to apply to the reduction of the stamp on

newspapers. The duty at present was 4*d.*, minus the discount; he proposed to reduce it to a 1*d.*, and to give no discount. He did so for the purpose of protecting the revenue; for the sale of unstamped newspapers had become so extensive, that no series of prosecutions could put them down. This fraud on the revenue was first practised in London. Then it extended gradually all over the country, till no great town could be found throughout the United Kingdom, in which the sale of unstamped newspapers did not proceed in a most licentious and alarming manner. These publications were printed and circulated in defiance of law, and actually bore upon their impress this character of defiance. Exchequer processes were issued, all the power of the law was exhausted, and yet the sale continued unabated. For the last three years, every effort had been used to put down these frauds upon the revenue, and had been used in vain. With regard to the loss to be sustained by the revenue in consequence of this reduction, supposing the loss was to be calculated on the entire year, it would amount to 200,000*l.*; but as the loss would only accrue during three quarters of the financial year, that would produce a loss of 150,000*l.* But there would be an enormous increase to the revenue from the duty upon the enlarged circulation of newspapers, from the additional duty arising from the increased consumption of paper, and from the very large increase which might be expected from the produce of the duty on advertisements. He next proposed to take off the duty from insurances on farming buildings. Lord Spencer took it off farming stock, and he now pro-

posed to extend the relief to farming buildings. He estimated the total loss to the revenue at 30,000*l.* altogether, of which 15,000*l.* would be lost during the present year. He also proposed to give up certain small branches of revenue, such as the duty on taxed carts, and the additional 50 per cent. on spirit licences. He would find an equivalent for the latter in the increased consumption of spirits. The amount of all the taxes which he proposed to remit would be 351,000*l.* this year; though when the proposed reductions came into full operation, it would amount to 568,000*l.* When the increased consumption of paper was taken into account, the money collected from the penny stamp, and the increase of duty from advertisements, he thought he might say that he should not have lost 530,000*l.* the second year.

The application of a great part of the surplus revenue of the year, to the reduction of the stamps on newspapers from 4*d.* to 1*d.*, was treated by many as being a sacrifice to the demands of a political party, not a concession to principles of political economy or fiscal regulations. Men who have something to lose in the world will occasionally be found giving themselves up to turbulent, levelling, and revolutionary politics; but men who can lose nothing, who are too indolent and unsteady to lead a life of patient and toilsome industry, who hate all institutions, civil or religious, that prevent them from attaining the position to which they think themselves entitled by their vanity and want of principle, and who, though utterly unable or unwilling to gain their bread in any one branch of honest industry, can abuse all that

is above them, and flatter the ignorance and prejudices of all that is below them, in a twopenny journal,—such men are seldom to be found engaged in politics of any other kind. In proportion as any political party approaches more or less towards pure democracy and the right divine of mere numbers, its interests will require that the means should be increased of disseminating among the lower classes, and as nearly gratuitously as possible, the exciting and poisonous food which is at last to end in the revolutionary fever. Great, therefore, as the reduction was, it did not satisfy the radicals. The penny of duty which remained was still “a tax upon knowledge;” and they argued with some plausibility that it was an absurdity to keep up the expense of the system in order to collect so trifling an impost. On the other hand, there was a strong opinion against a reduction, both on account of its probable political consequences, and likewise because, even if it were desirable in itself, there were many other articles a reduction of the duties on which would contribute much more to the comfort of the community, and especially of those classes to which it was now proposed to give at once cheaper newspapers and cheaper gin. Sir C. Knightley moved (June 20), that instead of diminishing the stamp duty on newspapers, the duty on hard soap should be reduced from  $1\frac{1}{2}d.$  per lb. to  $1d.$ , and the duty on soft soap from  $1d.$  to  $\frac{1}{2}d.$  The duty on soap he represented to be one which not only pressed severely on the lower classes, but pressed upon them unequally in comparison with the more wealthy, the soap of the poor man being taxed at 75 per cent., and that of the rich man at

only 30 per cent. The reduction of it, by aiding cleanliness, would promote the health and comfort of the people; the lowering of newspaper stamps would do neither, but would tend to introduce a cheap and profligate press, one of the greatest curses that could be inflicted on humanity. Were the necessities of life to be taxed in preference to luxuries and superfluities? or was such knowledge, as was likely to be communicated through a cheap newspaper, so vitally important as to be worth acquiring at the expense of inflicting filth and disease on the very persons whose minds were to be thus illuminated? Neither the farmers nor the growers had complained of the want of cheap newspapers, but all complained of the want of cheap soap. It was absurd to say that even the poor were debarred from reading the newspapers: for, in a coffee-shop, they could have a cup of coffee and a sight of every newspaper published in London for three-halfpence, being only one half of the price at which it would be possible to publish the newspapers even after the duties had been reduced. Neither had any application for this reduction proceeded from the proprietors of newspapers: even those journals, which were most favourable to government, had protested against it. The motion was seconded by Mr. C. Barclay, one of the members for Surrey, who shewed that the revenue would not sustain from it any greater loss than it was admitted would arise from the diminution in newspaper stamp duties. The soap duties yielded 799,000*l.*, after deducting the drawback and the expense of collection. Their amount under the proposed reduction, would be 550,000*l.*, leaving

an apparent loss of 244,000*l.*; but as the reduction of the duty would increase the consumption of the article, at least as certainly as it was predicted that a similar reduction would increase the consumption of newspapers, the real loss would not exceed 122,000*l.*; and the loss which the chancellor of the exchequer had calculated would result from the diminution of newspaper stamps was 125,000*l.* Some reduction of the duties on soap had taken place in 1833, and the increased manufacture of soap was already 70 per cent.; but still no trade suffered so much from the great number of onerous regulations which, while they embarrassed the fair manufacturer, gave him no protection against the competition of the illicit manufacturer. Wales was supplied with soap entirely from Ireland, where no duty was paid; and it was well known, that the drawback allowed on the export trade at Liverpool, was greater than the sum originally paid by the manufacturers. He thought it impossible, therefore, for any reasonable man to hesitate between the two subjects of reduction now proposed; and he did not believe that the chancellor of the exchequer, if left to his own judgment, would have preferred cheap newspapers to cheap soap. Much was usually said of the boldness of those who printed and published unstamped newspapers, and the difficulty of enforcing the penalties of the law; but where did the difficulty lie? Every sheet bore the printer's name, and why was the law not enforced against him? There could be no doubt that every individual, to whom parliament had given the elective franchise, had already ample opportunity of possessing and reading the

newspapers of the day, and hence the increase which had of late years taken place, estimated at 16 per cent., in the papers which paid the stamp-duty; but the cheap papers, with all the trash which they purveyed, were addressed to those who had not been entrusted with political power, although they were now frequently reminded of their physical force. A reduction of these duties was in itself uncalled-for, and how it could be allowed a preference over the other reduction proposed was unintelligible.

The Chancellor of the Exchequer stated that one reason for preferring a reduction of the stamp duties to a reduction of the soap duties was, that the former was a diminishing, and the latter an increasing duty. The quantity of soap brought to charge in 1831 was 109,000,000*lbs.*, and in 1833, it was 133,000,000*lbs.* The consumption of soft soap in the first of these years was 9,600,000*lbs.*, and in the other, 12,103,000*lbs.* But the stamp duties on newspapers, which had yielded in 1831 483,000*l.*, yielded in 1835 only 455,000*l.* Now, it was a principle of finance that in reducing public imposts, the comparative productiveness of different taxes should be taken into view. Another element to be considered was, the relief which had already been granted in regard to different taxes, and this element, too, was in favour of a reduction of the stamp duties; for the soap duty had already been reduced one-half, while the stamp duty on newspapers still remained at its maximum. Next he contended that the loss to the revenue by reducing the soap duties would be much greater than by reducing

the stamp duties, because the increase in the consumption would not and could not be equal to what was anticipated. The increase required to make the loss no greater than it was argued it would be, was not less than 62,000,000lbs.; but the former reduction of 50 per cent. had produced an increase of only 10,000,000lbs. Thus the real loss to the revenue would be little less than the apparent and nominal diminution, viz., about 250,000*l.*, or twice the amount of loss that was anticipated from the reduction of the newspaper duty. Besides, when the improvements in the manufacture of soap and the reduced price of the alkalis were taken into account along with the present low rate of duty, he did not think that this was the article which most pressinglly called for relief.

The condition and the consequences of the newspaper stamp duty, on the other hand, called loudly for an alteration, unless disregard of the law was to be encouraged, and those who obeyed it were to be left without protection. The produce of these duties had been diminishing. In 1831, it amounted to 483,000*l.*; in 1832, to 473,000*l.*; in 1833, to 445,000*l.*; in 1834, to 441,000*l.*; and in 1835, it had been slightly augmented to 455,000*l.* This diminution did not arise from any falling off in the education of the people, or their anxiety for political information. On the contrary, the changes of the last few years had greatly added to the desire for political information and discussion, and every man would have expected that the revenue yielded by newspapers would have increased. It was

this tax that prevented the increase. The appetite of the people did not remain without food, but it was supplied contrary to law, by unstamped newspapers. Here, as in every other case, a duty raised above the legitimate amount led to successful smuggling, in order to supply the public demands without contributing to the public revenue. He was very far from thinking that all the knowledge, which it was desirable to circulate among the people, was to be found in newspapers; but neither did he think that they contained none; and, in regard to political matters, they were the means of diffusing knowledge of a most important character. He entertained no apprehensions of the consequences of facilitating the spread of this knowledge; but even if it were desirable to confine the circulation of this information to the present high-priced newspapers, for which the rich alone could pay, it was impossible. Not only in London, but throughout all England, an active agency was employed for the purpose of violating the law by circulating newspapers printed without a stamp. The total number of stamps taken in the United Kingdom was 36,000,000. On one occasion, the officers of the stamp department seized, on the Thursday, an incomplete publication of newspapers to be given to the public on the Saturday, amounting to 40,000 sheets. This gave, for a weekly paper, 2,000,000 of sheets per annum, being equal to one-eighteenth of the stamped press; and this was only a single instance. Government had done all that was possible to enforce the law, but the law was unable to put down the evil. It was true that every

sheet bore the printer's name, but this furnished no assistance, for the name appended to the publication was often a false one. In the course of a few weeks, three hundred persons had been imprisoned for selling unstamped papers in the streets, without, in the slightest degree, repressing the sale. After government had exhausted every means in their power, the law officers of the crown had given their opinion that the existing law was wholly ineffectual to put down the evil. But, nevertheless, he was not disposed to seek a cure by increasing the severity of the law, because he believed that such a remedy would still be ineffectual, and that the malady could be removed only by more lenient measures, viz., by reducing the duty. He would not repeal it entirely, although there was a party in the House who professed that they would not be satisfied with anything short of a total repeal: he would bring it back from its present amount of 4*d.* to its original amount of 1*d.* Such a duty they were entitled to retain, were it on no other ground than the free circulation of newspapers by the post. Besides, he proposed to reduce the duty on paper, which likewise would be removing a tax upon knowledge, since books undoubtedly were elements of knowledge at least as much as newspapers: but this reduction he would not be able to afford, unless he were allowed to retain the penny on newspapers. This was no more than might fairly be charged for the advantage of a free circulation. It would equalise the whole of the press, it would raise its character, and it would enable those parties, who were ready and anxious to give

religious instruction to the people, to combine it with knowledge of a political nature. There had been many pressing applications made to him on the subject of giving religious and moral instruction to the people, and in favour of his proposition. Persons who were desirous of diffusing knowledge of that description had hitherto been deterred by the enormous amount of stamp duty. It was his fate to read much of the unstamped press: indeed, some persons were kind enough frequently to send him packages of unstamped papers, with a view to prove to him the extent at which it had arrived; and this he could say, that according as it had augmented in circulation, it had improved in quality. Since the first appearance of unstamped publications to the present moment their character had gradually altered, the reason of which was to be found in the fact of a wide circulation. A publication of limited circulation would be found to be supported by a particular class, for which it was prepared by exciting their passions and flattering their prejudices; but if they came to a largely circulated paper, they found it must suit itself to the taste of the people. He would not abolish the duty entirely, because he wished to have the means of conferring a benefit on other sources of knowledge; and he reduced it so low, because he believed the doing so to be just and necessary to the public interest. From the change which had taken place in the political condition of the country, it was clear that the house ought to aid the more general communication of political knowledge. The security of parliament and of the monarchy

depended on the diffusion of sound political knowledge. They had already given the people a ten pound franchise; they had conferred new municipal rights on inhabitant householders, and having done so, they neither ought to withhold, nor could they successfully withhold from the people the means of judging of the passing events of the day. Admitting, then, this principle to be just, it was much better to communicate knowledge to the people through the medium of the stamped press, which was responsible to the country and the king, than to trust to the construction that might be put on all public proceedings by those men who were not recognised by the law, and whose illegal publications were largely circulated, because easily obtained.

The Chancellor of the Exchequer was answered by Mr. Goulburn, who laid it down, that, in reducing public burdens, the first question ought to be, what reduction would confer the greatest benefit on the greatest portion of the community; and that it followed, as a corollary from this, that in all reductions of taxation they should retain those which were burdens on luxuries, rather than those which affected the necessities of life. To propose a diminution of the stamp duties instead of the soap duties, was to sin against both of these plain principles. The Chancellor of the Exchequer accordingly had maintained, that the reduction of the latter would occasion a positive loss, which the revenue could not sustain; he held this because he anticipated that no great increase of consumption would follow on the reduction; and this anticipation, again, he founded on the

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statement, that a very limited increase had ensued on the former reduction of the duty by half its amount. But here lay the fallacy of the argument. The former reduction had led to no great increase, because the duty still remained too high to exclude the contraband trader from the market; and he would not be excluded, and there would be no increase, till the duty was still further diminished. The metropolitan manufacture of soap the year previous to the reduction of the duty, amount to 32,900,000lbs. In 1835, after the reduction had been made, the amount brought to charge in the city of London, was only 32,400,000lbs, showing a reduction of 500,000lbs. In Scotland, previous to the reduction in 1833, there had been brought to charge 11,300,000lb; and in the year after the reduction of the duty, the amount brought to charge was 10,400,000lbs., being a reduction little short of 1,000,000lb. In some rural parts of the country, where the same facilities for smuggling did not exist, there had been some increase; but it was not proportionate with the amount of reduction. Thus the reduction, so far from impeding the progress of the smuggler, gave him additional vigour and excitement to carry on his trade; and a further reduction was essentially necessary; in order to put the fair daler on a par with the smuggler. It was useless to say, that the duty had been reduced below what it had been for a long time antecedent; it was not by precedents in the reign of queen Anne that the question should be adjusted. The manufacture in latter days had been conducted in altogether a different way. They

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had not now the bulky material to deal with, which could not be transferred from one place to another, or employed by the manufacturer, without exciting suspicion; but they had the aid of chymical knowledge and the use of alkali, which baffled suspicion, and gave increased facilities to the smuggler. Neither could the chancellor of the exchequer justly apply to this question, the principle, generally a correct one, that a diminishing tax ought to be selected for reduction, instead of an increasing one, because the newspaper stamp-duty was not in fact a diminishing one. It had yielded, it was said, in 1831, 488,000*l.*, and in 1835 only 455,000*l.* But this was not a fair comparison, because the political excitement of 1831 had raised it, by temporary causes, to an uncommon amount. The same thing had happened in 1813, when every one was anxious to gain the earliest intelligence of what was passing on the continent. In that year the newspaper duty yielded 394,000*l.*, a sum to which it had never before amounted. The consequence of this temporary rise was, that in the following year, it fell to 363,000*l.*, a reduction greater than that which had taken place between 1831 and 1835, and yet produced by similar causes. If periods were taken, which would give a fair average, this was an increasing duty. The five years ending in 1825, gave 385,000*l.*; the five years ending in 1830, 413,000*l.*; and the five years ending in 1835, 464,000*l.* Even in the last year it was admitted that it had increased, thus recovering from the falling off which had naturally followed the extraordinary excitement of 1831.

There being no reason, then, for preferring newspapers on any of these grounds, look at the comparative value of reduction in these two articles to the country. It appeared from the stamp returns, that there were but 300,000 persons who took in newspapers, and that consequently that number of persons only would be directly affected by the reduction of the stamp duty. On the other hand, the soap duty applied, not to 300,000 individuals, but to the entire population of 15,000,000. It was only the takers-in of newspapers, that would be materially or directly affected by the proposition, although he was well aware that numbers read those papers besides those who took them in. That was one of the effects of general improvement throughout the country; but he denied it was necessary for persons in general to take in newspapers, in order to derive from them the advantages which they were calculated to confer. The newspapers were read by persons who were not in the habit of taking them in, but who enjoyed the advantage of them by a system of accommodation, an advantage which newspapers had over the article of soap. Another reason of reducing the duty on the latter article lay in the amount of relief which the reduction would afford. In the case of the reduction of the stamp duty on newspapers, it would amount to only the twentieth part of a penny to each individual; but, by the returns before the House, it appeared that each person consumed about six pounds and a half of soap per annum, so that the reduction of the duty on that article would be to the extent of between 4½*d.* or 3*d.* per head, according as he was the

user of soft or hard soap. The relief, then, given to the public in the case of newspapers would be but 1-20th part of a penny, while that in the article of soap would be  $4\frac{1}{2}d.$ , or  $3d.$  at the least. Even this was not all. He had no objection that the poorest classes of the community should be supplied with all the passing events of the day, provided the information was correctly and fairly given. But would the proposed reduction of  $3d.$  have that effect? Would the labouring classes be able to take in a daily paper, or one twice a week, or even a weekly paper, which would cost  $4d.$  at the least? Why should they do so? Were they not in the habit of associating together for the purpose of reading the newspapers, which were taken in by persons expressly for their accommodation, at coffee-houses or other places? In many cases, too, masters were in the habit of taking in newspapers, which, after they had read themselves, they lent to their workmen and servants. The reduction, then, would not operate in favour of the poor man. The person, who was in the habit of taking in a newspaper, might be relieved to the amount of  $2d.$  per day, but the poor man, who paid him for the perusal of it, would not be a gainer by the reduction. If the consumer were a publican, the publican would be the gainer, and not his customers; he would make no allowance to them in consequence of the reduction, because, it was too small to enable him to do so. The master of a family, indeed, might be relieved to the trifling extent of the reduction, but the poor man, who was in the habit of reading a newspaper, would derive no benefit from it.

He would be in the same situation as before, whether he was allowed to read the paper gratuitously, or whether he paid for that accommodation. No doubt, in some instances, persons would be induced to take in a paper, who had not done so before; but the greater part of the community would not do so, and would not therefore derive any benefit from the reduction. On the other hand, take the duty off soap, and you conferred an immediate benefit on every individual. But it was necessary, it was said, to reduce the duty, in order to prevent smuggling, that is, the sale of unstamped newspapers. Did any man maintain that smuggling was not as mischievous and extensive in the soap manufacture, and called still more loudly for a similar remedy? Nay, the favourite argument of protecting the press by excluding, by means of a low duty, all temptation to print unstamped papers, was a fallacy originating in mistaking the peculiar nature of the article. This was not like a question of spirits, where, if the duty were repealed, the regular manufacturer would stand on the same footing with the illicit dealer. The contest between the regular press and the unstamped press, was the contest of men who had gone to no expense with men, who had gone to very great expense, in supplying articles of information. The editor of a London journal was compelled to incur enormous expenses in order to carry on his paper to the satisfaction of the public—in procuring parliamentary reports—in obtaining foreign intelligence—in anticipating the arrival of the post by expresses—and by having correspondents in every quarter of the

world where matters of interest were going on, in order to provide the earliest and most correct information to the public. This was the real tax upon the proprietors of newspapers; and the taking off of the stamp, in comparison with that expense, might be considered, in fact, as nothing. But the man who, to raise the character of his paper, and to supply the public with the best and earliest information, went to all this expense, must be content to lower the tone of the public press by not giving the same amount of accurate intelligence, or he must carry on the contest with those who went to no expense at all. The result would be, not only the ruin of the property of the newspaper proprietors, or the destruction of their profits, but it would be something much more fatal to the general interests of the country; for the editors of the present respectable papers would not be able to compete with these predatory publications, and they would be compelled to forego that extent of information which was now so accurately given. We should have the newspaper press reduced simply to this state—that no longer would there be a regular and correct supply of information to the public respecting the debates of parliament or other important matters, but there would be only such an amount, and such a description, of information as could be furnished upon the inaccurate data of a man, who would not go to any expense in the use of the means at present employed. And with all this, they would still have an unstamped press to restrain, for the retained duty would be treated as the existing duty had been.—

Lord Sandon supported the same views.—Mr. C. Buller, Mr. Roebuck, and Mr. Buckingham claimed the preference for newspapers, because it was the most urgent of all necessities, to give the people such information as would enable them to exercise properly their political franchises; because cheap newspapers would contribute more than any thing else to public morality—would teach the people to stand up against oppression and democratic domination—would abolish half the crime in the country; because the public would then know what acts of parliament had been passed—and above all, because, according to them, the feeling of the country had determined that the tax should not be enforced; that is, that the law must yield to a set of men who announced the valuable character of the political information which they were to disseminate, by commencing with the practical lesson, that law was to be obeyed only so long as individuals thought it right, or found it profitable or convenient. A majority of 33 voted that the country, and especially the poor, would be more benefited by cheap newspapers than by cheap soap, 208 having voted for the motion, and 241 against it; and thus, so far as financial arrangements were concerned, every thing went to supply the essential elements of low political clubs, viz. cheap gin, cheap newspapers, filthy hands, and unwashed faces.

As the law stood, there was no distinction between newspapers, in regard of duty, on account of their size, all differences of this kind having been removed in 1825. By the new bill this distinction was restored, an additional duty

being imposed on every newspaper which contained more than a certain number of square inches of surface. Government was loudly accused of having originally so selected the particular number of inches, as to impose the additional duty on some of the most influential journals opposed to them, while it did not reach their supporters. This imputation was indignantly repelled by the chancellor of the exchequer, but still it was maintained that such must have been its effect. The size of the paper which should pay only a penny of duty was at last fixed at 1,530 superficial square inches; but even this arrangement left exposed to the additional duty four of the London morning papers and one evening paper, which would thus be reduced to the necessity of altering all their arrangements and machinery. This, it was argued, was unjust. It was not fair to adopt a standard which would render it necessary that the size of some papers should be altered, while others would go on without change or disturbance. Besides, there was often a difference of size in the sheets from the great rapidity with which they were cut off; so that not only might penalties be incurred by the publication, with only a penny stamp, of a sheet which did not exactly coincide with the statutory limits; but part of an impression might be subject to the higher duty, while the remainder of it, though containing the very same matter, would pay only the lower duty. It was, therefore, proposed by Mr. Goulburn, and acceded to by the chancellor of the exchequer, that the 1,530 square inches should be limited to the printed part of the sheet, excluding the

margin, a provision which would meet the size of every paper in the metropolis. If the sheet exceeded 1,530 square inches, but did not exceed 2,295, an additional duty was to be paid of a halfpenny, and if it exceeded 2,295, an additional duty of a penny. Supplements, likewise, were to pay a penny additional.

Another novelty, introduced on the motion of Mr. Grote, consisted in an enactment, that every newspaper should be stamped with a die peculiar to itself. It was proposed solely on the ground that newspapers would thus be prevented from fraudulently pretending to have a larger circulation than they really enjoyed, by ranking among their own consumption stamps which they supplied to other journals; and when the chancellor of the exchequer objected, that the House had no more right to inquire into the number of stamps used by a newspaper than into the number of stamps taken by an attorney, in order to ascertain the quantity of business which he transacted, the radical answer was, that the House did possess such a right, for newspapers were a species of public property! If means are to be adopted to prevent a newspaper from increasing its moral and political weight by falsely pretending to a circulation greater than it actually has, does it not do the same thing by representing its readers to be all persons of fortune, education, and respectability? and why should it not be compelled to make regular returns of its subscribers, with their additions, that it may be ascertained how far it is entitled thus to plume itself on the superior quality of its customers.

The bill required that two pro-

prietors of a newspaper should be registered along with the printer and publisher. The radicals insisted that every proprietor should be registered at the stamp-office. It was not right, they said, that individuals should be assailed in public newspapers by obscure and worthless persons, whose obscurity and worthlessness shielded them from responsibility. No person ought to be a proprietor of a newspaper, unless he was prepared to be accountable for all that appeared in its columns. As matters stood, a proprietor might receive his dividends, and next day put a sham proprietor in his place. Even some of the conservative members went into the same idea. Lord Sandon held it to be of great importance that those, who conducted so powerful an engine as the public press, should be known to the world, and should not be allowed, by concealment and irresponsibility, to use it for the dissemination of principles which personally they would be ashamed to avow. The chancellor of the exchequer did not think such a provision in any respect necessary for the protection of the revenue; but, as it might establish a salutary system of restraint, he would not object to it. On the third reading of the bill, accordingly, a clause to this effect was carried by 58 to 15. Mr. O'Connell even went the length of expressing a wish that the names of all newspaper writers should be registered.

When the bill went up to the House of Lords, this provision for registering all proprietors was the only one that encountered any opposition; and, in the committee, lord Lyndhurst moved (August 8) that the clauses which contained it should be omitted. He did so

on the ground that these regulations were arbitrary, inquisitorial, unjust, and utterly unnecessary. At one time it had been found extremely difficult, when an action was to be brought for libellous matter contained in a newspaper, to discover against what parties the proceedings ought to be directed. To remedy this evil, an act of parliament had been passed in 1798, which required that the names of the printer and publisher should be certified at the stamp-office, and that two of the proprietors, holding as large shares as any other proprietor, should be registered. For now nearly forty years, this law had been found perfectly effective; no instance had since occurred of any difficulty being found in getting at proper defendants. That act had been strenuously opposed by the whigs, and now they were prepared to go a great deal farther than the measure had done which they vigorously resisted, when proposed by their political adversaries. A farther security had been given by the act of 1820, which required, that when a newspaper was commenced, caution should be found to the extent of 400*l.*, in order to meet any demand consequent upon a verdict. Not only had those enactments been found sufficient, but the present government had thought them sufficient; for the bill before the House, as it was framed and introduced by ministers, contained them all, and did not contain the regulations now in question, which were engrafted upon it at a much later stage. These new provisions required that the name of every proprietor, his residence, his occupation or addition, all circumstances connected with him—the amount

of his share, and all transfers of that share, or of any portion of it, should be registered at the stamp-office every six months. Looking at the quarter from which this proposition came, the radical and root-and-branch-men—the loud clamourers about liberty and the freedom of the press,—it only afforded another example, that when persons of this description had any object in view, they were more arbitrary, tyrannical, grinding, and unsparing, than any other set of individuals whatsoever. A good newspaper required a large capital, which had to be derived from a number of individuals. It could not be supported by three or four persons; a great number of persons must necessarily hold shares in it, who could not possibly have any thing to do with the management of the concern. Many of those persons would reside far from the metropolis; many of them would of necessity be women and children. The property would in some instances be subject to marriage settlements; in others, it would be held as security for debt; in short, it might be disposed of in a great variety of ways by those who had nothing to do with the direction of the newspaper. Now, if the bill passed in its present shape, all these shareholders would be liable to annoyance, and subject to punishment, for publications of which they knew nothing, and of which, from their situation, it was impossible they could know anything. The consequence would necessarily be, that individuals would endeavour to withdraw their capital from this species of employment, and invest it in other transactions, where they would be less exposed to trouble and annoyance. This must of necessity lead to a great deprecia-

tion in property of that kind; and it had been stated to him by a most respectable individual (Mr. Baldwin, one of the proprietors of the Standard newspaper), that if the bill passed in its present shape, it would deteriorate his property fifty per cent., and would operate in the same way with respect to all property of that description. That being the case, it was clear that such a revulsion in the value of property would, when individuals were endeavouring to get rid of their shares, prevent other people coming forward to purchase; and for what was all this to be done? Was not the law sufficient for every fair purpose of prosecution as it stood at present? If a libel were published, they had defendants; and if a verdict were returned for the plaintiff, they had a security by the act of 1820, for whatever damages might be awarded. Why, then, should they countenance this sort of inquisition, to which no other species of property was subjected? By passing these clauses, which were unnecessary for the purpose which the bill was intended to effect, and which Government themselves did not conceive to be necessary, because they had not introduced them,—they had rashly and weakly given way to the suggestions of persons, who, as it were, forced these provisions upon them; although nothing was so likely to endanger the constitution, as when a feeble government adopted views of which they did not themselves approve, because they came from some section of their supporters to whom they must bow, or otherwise quit their situations. It might be objected that this was a money bill, and that any amendment upon it would be an infringement of the privileges of the House

of Commons. But he denied that these were money clauses, or had any connexion with the money matters contained in the bill. All the provisions in the bill regarding money would be precisely the same, whether these clauses were retained or expunged. These clauses might have formed a bill by themselves, although it had never been proposed to alter the existing system in any other respect; they were mere clauses of police and regulation. If, again, it was said that these provisions must not be touched, because, although they were not money clauses themselves, they had been inserted in a money bill, that was, that the Lords had no power to interfere with any thing which the Commons chose to put into a money bill, then they were deprived of a great part of their most important privileges, and the sooner they came to a right understanding on the question the better. He was not at all averse to the rest of the bill, and if any alteration of those clauses would be an infringement of the privileges of the House of Commons, government had only to send up another bill in the same form, omitting these objectionable clauses, and that bill might be passed; or they might do still better, by sending up a bill taking off the duty altogether, and not keeping up the complicated machinery and the extensive establishment necessary for levying the paltry tax of one penny on each newspaper.

The lord chancellor maintained that these clauses were nothing more than a more happy application of a principle which was to be found in the act of 1798 itself. It was true, that by that statute it was not required that more than two of the proprietors should be

registered at the stamp-office; but it did not refuse all means of getting at the others, and gave no countenance to that concealment, the violation of which was now represented as an exercise of inquisitorial tyranny. The act of 1798 provided, that if any person should file a bill in any court of equity for the discovery of the name or names of any proprietor, editor, printer, or publisher of a newspaper, or for the discovery of any matter relating to the printing and publishing thereof, in order to enable him or them to carry on any action or actions of damages for slander or libel, it should not be lawful for the defendant or defendants to plead or demur to the bill, but that they should be compelled to make the discovery thereby required. What was the present clause? Why this:—the act of 1798 having laid it down as a rule, that although only two proprietors were required to be registered, means were to be afforded by which parties aggrieved could get at the proprietors, the clause now under consideration provided that a return should from time to time be made of the names of all the proprietors—in short, that there should be registered at the stamp-office a declaration containing the names of all the proprietors. It could not be denied that this was a much less expensive mode of proceeding than by the machinery of the bill of 1798; and were not the charges of tyranny and oppression quite as applicable to that act as to the present measure, which, while it followed in principle the remedy given to the public in that act, effected the object in a more consistent and less expensive manner. To this it was answered, that there

was a great difference between the act of 1798, and the provisions of the present bill. Under the former, a bill in equity must be filed, which was some protection against unnecessary annoyance; and it could be filed only by a party interested, complaining of a wrong and seeking a remedy, and against parties judicially assailed as having used their property to his injury. Under the precept bill, the discovery was to be made to the whole world, when no person was complaining, and no remedy was sought; and it was enforced, not as a means to afford redress, but as a condition of possessing the property innocently. The act of 1798 contained a guard against the use which was to be made of the discovery when obtained, by providing that it should be used only for the purpose of supporting civil rights; but by the clause now objected to, the information to be obtained at the stamp-office might be used in support of criminal prosecutions. The clause, indeed, did not permit the certificate of the names registered to be given in evidence; but there would be no difficulty, after getting the names of the most wealthy, opulent, and respectable proprietors, to obtain evidence against any of them by calling any one of the parties by whom the list or return was to be made up, and then asking him in a court of justice whether A B, or C D, or any other name included in the list, was not a proprietor of the particular journal against which the criminal proceedings were then under trial.

Lord Melbourne admitted that the clauses were not necessary for any purposes of revenue, but, at the same time, he assured the

House, that any alteration of them would be fatal to the bill: and by this his lordship evidently meant, not merely that this individual bill, when so altered, would be rejected by the Commons to make way for one not exposed to the same objection, but that the whole measure would be withdrawn, if deprived of that which ministers had not thought it necessary that it should contain; for he entreated the House not to come to a vote under the notion that it would be possible to repair the effects of that vote during the present session. He denied that the registration of two proprietors had been always found sufficient for the security of the public. He had been told that such was not the case, and that solvent defendants had not always been found to answer for the damages given against them. Everybody knew that a part of the stamped press in London indulged in great scurrility and abuse; and he was informed such was the character of the registered proprietors, that when counsel were consulted as to the course to be pursued in reference to their scurrilous slanders, they advised proceedings to be abandoned, inasmuch as no damages would be recovered after verdict was obtained—that the plaintiffs would have to pay their own costs and get nothing by their action. It was because the securities to the public already existing had not been found to be effectual, that this clause had been introduced into the present Bill. True, it was not contained in the original bill; but when proposed in the House of Commons, it had not been resisted by any party there, and had been approved of even by members of

the opposition. It did nothing more than was done in other cases. All bankers were required to be registered at the stamp-office; and why should not the names of newspaper proprietors, as well as those of persons who employed their capital in other transactions and speculations, be registered? It was true that shares in newspapers were the subject of marriage settlements, and that females and minors in different parts of the country were interested in them; but the same class of persons, when interested in speculations of a different character, were required to be registered, and he could not see that it would injure the character of the press, if it were known who were its real conductors. It was the night-like mystery in which these publishers were enveloped, that he wished to see removed, and the shade by which those who exercised such power and authority in the country were surrounded, dispelled. There could be no reason for their concealing themselves. The motion for expunging the clauses was carried by a majority of sixty-one against forty, and the bill returned to the Commons, without any other alteration. The Lower House, on the motion of the chancellor of the exchequer, without a division, laid aside the bill, on the ground that their privileges did not permit them to entertain an amended money bill. On the same day (Aug. 10), notwithstanding what lord Melbourne had held out to the House of Lords, on the 8th, as an inducement to adopt the clauses, the chancellor of the exchequer brought in a bill, which was in every thing a copy of the former, except that the provisions in dispute were omitted. It was the

bill which ministers had originally proposed, and which the peers had sent down. On the following day it went through all its stages, without any discussion, and immediately passed the Lords, the standing orders being suspended for that purpose.

The speech from the throne had recommended an addition of 5,000 men to the navy. In justification of this increase, it was stated, on moving the vote (4th March), that the admiralty had continual demands for a greater force from all the officers in command, for the purpose of protecting the commerce of the country; from the Pacific, the admiral and commodore had, in August last, obeying the demands of the British merchants resident at Callao, called, for an increase to the force of two ships already on that station; and for months letters of a pressing character had been received from that quarter. Similar calls had been made upon the Admiralty by the consuls at Lima, Mexico, and Valparaiso, by the merchants resident there, and on the whole western coast of Mexico, claiming this aid in protection of their persons and their property, and declaring an increased naval force to be absolutely necessary for this purpose. Similar applications had been made from the coast of Peru, which was in a perfect state of revolution, where there existed no government able either to enforce its own decrees or to protect the property of British merchants. From the northern ports of the Brazils, which were in a similar condition to Peru, similar demands had been made, and the claims for protection to the trade in that part of the world had been supported by the merchants of Liverpool and

other influential bodies. That such protection was necessary was shown by the fact, that a British merchant ship had been lately seized, and her crew, save one man, had been murdered. Sir George Cockburn, on the West India station, called for additional force to put down the slave-trade, which was again upon the increase in that part of the world. Applications for an increase of strength had also reached the Admiralty from the Newfoundland station, in order to protect the fisheries from encroachments by the French and other nations; from the admiral on the East India station, to put down the piracies now practising in the Straits of Malacca; from the African station, complaining of the great increase of the slave-trade under the Spanish and Portuguese flags, and from the Lisbon station, calling for the moral support of the fleet in the Tagus, and thus to hasten the desired result of the quadripartite treaty. It was impossible to comply with these demands, in any instance, without withdrawing the British naval force from Spain and Portugal, where their presence was necessary. It was also important to look at the naval strength of other nations. From the best information that had been obtained, it appeared that the French had now afloat twenty-eight ships of war. Russia had carried the increase in respect of her naval strength still further. In 1834 Russia had cruising in the Black Sea five, and in the Baltic eighteen line-of-battle ships; and last summer she had eighteen line-of-battle ships and six frigates cruising in the

Baltic, besides a large fleet at the review at Cronstadt, consisting, after landing troops, of eleven line-of-battle ships, six frigates and ten smaller, including steam vessels. The utmost naval force this country had in the Baltic was two frigates and one sloop, the crews of all not exceeding 1,000 men. And all the line-of-battle ships this nation had afloat in every part of the world did not exceed ten. The cause of this state of circumstances was not the want of ships, but the want of men for ships now lying in harbour, and which could be sent to sea in a few days. It was for the purpose of preventing the navy being left in such a condition,—a condition not consistent with the honour and interests of the nation,—that government proposed an increase of 5,000 men. They might have been justified in demanding more; but they would content themselves with a number which would enable them at any time to send a squadron to sea. The vote was granted without any division, although Mr. Hume, and one or two other members, protested against it as uncalled for. The member for Middlesex endeavoured to make a compensating saving by moving (March 11) a reduction of 5,000 men in the army estimates; but he was supported by only forty-three members against 136: and he was still more unsuccessful in another motion directed against the foot-guards, as being costly troops, maintained for show rather than for use, and enjoying, for the sake of the aristocracy, prerogatives which were degrading to the rest of the army.

## CHAP. VIII.

COLONIAL.—*Discussions regarding the Mauritius—Motion for Reform in Canada.*—FOREIGN RELATIONS.—*Interference in the War in Spain—Violation of the Neutrality of Cracow—Discussions on the Power and Designs of Russia—Motion on behalf of the Ministers of Charles X.—Greek Loan.*—PROROGATION.

FOR a considerable time unfortunate differences had prevailed in the Mauritius between a part of the inhabitants and the government authorities, and between one portion of the population and another. They were said to have originated in the desire of the white population to evade some requirements of the law for the emancipation of the negroes, and were believed to have been aggravated by what was termed on one side the indiscretion, and on the other the honest determination of the colonial judges. More than one recal of judges had taken place; and the consequence was, that their successors, who did not pursue the same course, and the governors of the island were denounced as being guilty of abusing their powers to prevent the full and fair execution of the emancipation act. Mr. Roebuck, the paid agent of the turbulent colonists of Canada, extended his protection to the discontented inhabitants of the Mauritius, and moved in the House of Commons, (Feb. 15) that a select committee

should be appointed to inquire into the administration of justice in that colony. He stated, that from the time of the cession of the Mauritius to this country in 1814, a party had arisen, hostile to the power and supremacy of England, because of her resolution to put down the slave trade, and ameliorate the condition of the slave population. The mother country had declared slave trading to be a felony, and an order in council was passed, in consequence of a resolution of that house, to the effect that no governor, judge, or registrar of slaves—that, in fact, no person in any way whatever connected with the administration of justice, should hold any species of slave property, either directly, in trust, or mortgage. Now, he charged the whole body of those functionaries with holding slave property. He charged sir C. Colville, the late governor, with speculating and creating debts in slave property; he charged chief justice Blackburne, the officers of the Supreme Court, and nearly all the functionaries of the island

with the same gross violation of that order in council. Proof of the fact was to be found in the despatches of Government. At the time when the earl of Ripon was colonial secretary, the local authorities had been entrusted with the making of certain alterations in the code of the island regarding slaves; and they so executed this task, that the secretary plainly charged them with having acted in a spirit of bad faith, in order to protect the seditious, who had engaged in illegal proceedings, to thwart the wishes, and disobey the injunctions of the government at home. Armed associations were formed, ostensibly for the defence of the whites, which was not required, but, in reality to throw off the dominion of England. A committee likewise was formed, who became the true governors of the colony, and no one had any chance of obtaining justice, unless he was connected either with that committee or with the armed body.

It had been ordered that all the slaves in the colony should be registered, for the purpose of discovering whether any had been illegally imported; and as it had been ascertained that a large importation had taken place after the cession of the colony, the burden of shewing who were legal slaves and who were not, had very properly been laid on those who claimed them. But the slave holders rose almost in open rebellion to prevent this regulation from being carried into effect. The colony was in this excited state, when Mr. Jeremie was sent out as procureur-general. The governor and the executive officers, conscious that they had been violating the law, dreaded his appearance among them; it

became necessary to keep him, if possible, at a distance; and the armed bodies, without any reference to the governor, in the first instance, determined to oppose the approach of the new officer, because he was supposed to be the bearer of certain instructions, the was determined to perform and duty with which he was entrusted. The governor joined them, so far as to hold it dangerous to allow Mr. Jeremie to land without the military, and he did land under their bayonets. Having landed, he met with a refusal to swear him into office: he returned to England; he was immediately sent back, a new governor having, in the mean time, been appointed; and he was at last sworn in, but not till the executive was entirely in the hands of the colonial committee, and an extensive conspiracy had been formed for the purpose of throwing off the yoke of England, under the pretext of putting down slave insurrection. Lord Stanley then received the seals of the colonial office, and, for a year, the Mauritius did not receive a single despatch: he left the whole supreme court subject to a charge of treason without endeavouring to investigate it, and the administration of justice in the hands of persons whose character and conduct had been impugned by the colonial secretary. After a year of criminal negligence, lord Stanley rushed into equally criminal haste: without investigation, and listening only to interested parties, he exculpated these judges from the charges which had been stated against them in the despatch of lord Ripon. Mr. Jeremie thought there was no chance of justice being done in any inquiry by a

tribunal, every member of which was a slave proprietor, and he had therefore excepted to all of them but the governor. The secretary of the colony was indebted to all the parties, whose fitness to be judges he was one of those appointed to try. The governor, sir W. Nicolay, had made the inquiry a private one: he had the witnesses examined, without giving Mr. Jeremie an opportunity of hearing them; it was not surprising, therefore, that the accusation against the judges was negatived, and that a charge was made against the procureur-general for having stated it. Yet the objection of Mr. Jeremie to the members of the tribunal was proved. It was founded on the ordinance of 1826, which declared that no person, who, directly or indirectly, held slave property, should exercise the office of judge, protector of slaves, fiscal or attorney-general, or be a bishop or clergyman in the colony. The chief justice had held slaves, and how had he got rid of them? He pretended to dispose of them, though they were worth about 6,000*l.*, to a person who had declared himself not to be possessed of 300*l.*, and the price was paid by a note of hand at a long date, bearing five per cent. interest. The transaction was a fraud upon the law, to enable the judge to retain an interest in the slaves. The notarial document which contained it was afterwards discovered, and judge Reddie gave the governor his opinion upon it, that the chief justice, according to his own statement, had signed a false instrument for the purpose of retaining his situation as judge, and, at the same time, deriving a profit from slave property. But the re-

sult was precisely the contrary of what might have been expected. Lord Stanley transmitted instructions to the governor to suspend those who had made charges which they could not substantiate, and Mr. Jeremie and Mr. Reddie were sent home, as belonging to that category. The next colonial secretary, now chancellor of the exchequer, went a step farther; he declared that the accused judges were free from any stain in respect to those charges; and even all this did not satisfy the present secretary, who had reappointed a certain gentleman to the office of procureur-general, from which lord Goderich had dismissed him, as being a holder of slave property. The consequence of all this had been, that slavery, and even the slave trade, were re-established; that the free labourer himself was made a slave, for, if he could not find employment within a month, he might be banished from the colony. Even education could not be given without the permission of the governor. The press, too, was completely put down, the editor of an independent journal having been fined 50*l.*, removed from the island, and the paper suppressed, on account of a libel. All these matters he pledged himself to prove before a committee, although government had shown no disposition to assist in procuring evidence. So blameless had been the character and conduct of Mr. Jeremie, that, since returning from the Mauritius, he had been appointed a judge at Ceylon. The delegates, who had been sent over here from the Mauritius, finding this appointment made, and knowing the importance of the evidence which he could give in their cause, applied

to the colonial department with the view of not being deprived of the advantage of his testimony. The government, however, ordered him to proceed to his destination, and he incurred considerable expense in preparing for his voyage. The delegates again pressed upon the colonial department the injustice which would be done by having the most important witness spirited away. It was then intimated to them that the colonial department would not object to Mr. Jeremie's remaining and giving evidence, should an inquiry be ordered, if he himself had no objection, but that the colonial office would not pay the expense which he had incurred in the preparations for his voyage. At length the delegates said that they would pay those expenses; the House would scarcely believe that these gentlemen, representing a large and most influential portion of a colony complaining of great grievances, had actually to pay down 1,000*l.* in cash, before they could secure the attendance of a witness who was most important to their case, and that sum was paid into the colonial department for expenses which need not have been incurred.

These statements, on the other hand, were represented by sir George Grey, on the part of the government, as being mere repetitions of charges which had been abandoned even by those who had originally made them, while the stories about dangerous disaffection, and armed conspiracies to set at naught the authority of the mother country, were fictions only calculated to provoke a smile. Since the secretaryship of lord Goderich, there had not been any laxity in the colony regarding the regula-

tions for preventing the importation of new slaves, or unfair proceedings towards those who were already in the colony. The local authorities, it was true, had refused to act on the order, which declared, that wherever a question arose whether a slave had, or had not been imported within a particular period, it was incumbent upon the master to prove that he had possessed the slave before the period at which importation had been prohibited; and they had sent home a memorial setting forth the grounds on which they had taken a different view of the case from that of the government at home. A despatch was immediately sent out by lord Ripon, distinctly stating that the government rejected the opinion of the memorialists, that the slaves illegally imported were the property of those who held them; that slaves so introduced were as much entitled to their freedom as any white person; that to maintain a contrary opinion was to assert that the Abolition Act was not the law of the country, and that any colony had a right to set it aside at its pleasure. Lord Ripon had laid down the law in that despatch as closely as could be desired by the most zealous abolitionist—that all slaves imported since the prohibition should be set free at once. Whatever might have been the constitution of the courts of justice before, the Court of First Instance at present was composed of two English and one French judge. The chief judge and the second were men of great zeal, as well as great ability. They were men free from all bias, and far above suspicion, and would fully carry into effect the intentions of government on the subject of the slaves. The French judge was also a gentleman

against whom no imputation could be made. To say that a colonial judge should be altogether free from some colonial prejudice, was to desire what it was impossible wholly to obtain; but it was most unfair to infer from thence that they would not do justice. Slave-proprietors they could not be, for slavery no longer existed; and as no disaffection existed in the colony, it had been the anxious desire of the government to bury all past transactions in oblivion. With regard to the omission of certain articles from the new codes of law, a considerable time after those codes were sent home, unaccompanied by any explanation of the reason of the omissions, lord Stanley, who had taken the course which any gentleman would have taken under the circumstances, received an official letter satisfactorily explaining the cause of the omissions, which was, that these articles had been transferred to the general criminal code. As to the gentlemen who had been sent home, he saw and knew nothing connected with their removal by the government, which was not perfectly justifiable and proper. Mr. Jeremie had been referred to as a competent witness, one whom the House could not refuse to listen to, having been procureur-general, and therefore a participator in the transactions. Now, he had always understood that a witness should be a character quite the reverse of a participator, although he, nevertheless, thought Mr. Jeremie a very honourable man. The same objection would apply to Mr. Reddie, as a witness. There was no doubt, from the evidence which had been received, that these gentlemen were deficient in that self-command, and those other qualities which were indispensably requisite in the administration of justice, consider-

ing the state of parties in that colony. In 1832 Mr. Jeremie returned to England; his conduct on that occasion was considered perfectly unblamable, and he was again sent out under the King's commission, with orders to endeavour to restore tranquillity to the colony. Subsequently sir William Nicolay was sent out as governor, with a naval force and power to call in military aid; he reported that the accounts of the disturbances were very much exaggerated, and that he was perfectly able to maintain order and tranquillity by moral influence only, and required not the assistance of ships and soldiers. Since that time there had not been the slightest public disturbance, with the exception of one trifling circumstance not worth mentioning.

Dr. Lushington strenuously supported the motion, on the ground that since 1810, when the Mauritius was first conquered, there had been a perpetual violation of the law of the land regarding slaves, upwards of twenty thousand felonies having been committed, (for every importation of a slave was a felony,) and not one of them having been punished. Treason had been triumphant; manifestos had been issued recommending assassination; the house of a judge who boldly maintained the law, had been broken into while he lay on his death-bed, and his property destroyed. These were matters to be investigated, not to be buried in oblivion, especially as punishment had not followed in any one instance. After Mr. Jeremie had been sent to the colony a second time, in 1832, certain persons were committed to prison by his order, tried, and convicted; and yet, within an hour after the conviction, and the report being submitted to the governor, they were discharged. Nay, the

governor was actually required to bring Mr. Jeremie to trial for a capital offence, in having instituted this prosecution; that gentleman was kept in doubt for a period of upwards of three months as to whether this capital indictment would be pressed against him, and eventually it was abandoned. Certain persons had been taken up on a charge of high treason, under the sanction of a proclamation issued by the governor, and it was alleged as one of the main charges against Mr. Jeremie that he did not proceed to the trial of these parties until the month of January following. But, according to the actual course of the circuits, no trial could have taken place sooner, unless Mr. Jeremie had called for a special tribunal. He did not do this; for, previous to January, he had made an objection to some of the judges selected for the trial of these prisoners, inasmuch as he was then in possession of the earl of Ripon's despatch, the effect of which was to charge one of those judges, Mr. Justice Blackburn, with a premeditated falsification of the new code for the express purpose of procuring the acquittal of the persons charged with treasonable practices. He therefore was in possession of *prima facie* grounds, under the hand of a secretary of state, upon which to object to a judge thus charged with falsification and perfidious neglect of his duties. It further appeared that, at one period, no fewer than seventy-six individuals were confined in gaol without knowing the offences with which they were charged, and eventually were liberated without any charge being preferred against them. He had heard many mercantile men declare that there was no great an absence of justice in the

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Mauritius, that they could not continue their commercial transactions with that colony, unless some change took place. About two months ago, he had received a letter from the registrar of slaves there, stating that a prosecution had been instituted against that officer, because he had refused to give a certain party, in order to enable him to get compensation, a certificate that he was the owner of slaves; and if the registrar were a timid man, he might be induced, by threats of a criminal prosecution, to sign certificates which might enable individuals to obtain compensation to which they were not intitled. Had any one man, out of the thousands who had violated the orders in council for the registration of slaves, suffered punishment? Not a living soul. The whole colony had set his majesty's authority at defiance; and, from that period, succeeding governments had gone on humbly succumbing to these rebellious subjects of the king. Unless a proper registration of slaves were made, it would be impossible to award a just compensation; and all those, who supported the West-Indian interest, had a right to know whether the law had or had not been violated in the Mauritius, and if it had been violated, they had a right to expect that such violation should not be passed over with impunity, and, least of all, be rewarded. A wholesale violation of the law had been committed; and a vast number of persons, who were as much entitled to their freedom as any man in that house, had been kept for the last fifteen years in a state of the bitterest slavery.

Mr. Fowell Buxton, who said that few persons residing in that colony knew its affairs better than himself, added his attestation

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that the slave trade prevailed in the Mauritius to such an extent that no man could live for a single week, as governor of the island, and not behold it under his own eyes. Yet not one of the persons engaged in the traffic had ever been brought to justice; and the reason assigned was this—that no court would authorise a conviction, and that no public functionary would countenance the man who dared to interfere with their favourite trade. If a case arose in which it was necessary that the prosecution should be placed upon record, the accused was on the first opportunity set at liberty. Not a single individual had been punished for being concerned in the rebellion which took place three years ago. There was scarcely an instance of a man who lent himself to the designs of the colonists, countenancing rebellion at one time and the slave trade at another, who did not attain to opulence, and escape censure from the authorities at home; and there was scarcely one who upheld the laws and faithfully discharged his duty, who was not ruined by a course of conduct. General Hall, had been the instrument of suppressing the slave trade when it prevailed to a frightful extent, and had been recalled almost in disgrace. The cases of Bryant, Thomas, and Mylius, as well as those of Messrs. Jeremie and Reddie, were not less flagrant. The House, however, decided against appointing a committee by a majority of 229 to 71.

The political discontents, which, for some years, had interrupted the tranquil government of Canada were matters of far more vital importance to the well-being of the empire. A large portion of the population, French in its

origin, democratic and intemperate in its views, led on by demagogues who vied in every thing with the demagogues at home, insisted on demands equally inconsistent with a monarchical government and with the supremacy of the mother country. The malcontents found, in the House of Commons, apologists of all their violence, and defenders of all their demands. Mr. Roebuck, one of the members for Bath, sufficiently radical in his own opinions to have been a partizan of the Canadian reformers, had the farther incentive of receiving a large annual sum as their hired advocate in the parliament of Great Britain, to which he had been sent to act as an impartial legislator. On the 16th of May he brought forward a proposition for the reform of the Canadian constitution, which was to consist in nothing less than in making both branches of the colonial legislature elective. By the statute 31 George III., c. 31, a constitution was given to the province of Quebec, which was thereby divided into Upper and Lower Canada. The constitution so conferred was a sort of copy of the constitution of England; the governor being as the king, the legislative council as the House of Lords, and the House of Assembly as the House of Commons. The object he had, he said, in view was to amend the legislative council, which was no more like the House of Lords than the governor of the colony was like the king of these realms. The members of the legislative council, unlike the House of Lords, were poor, not possessed of wealth or property, having no tenants, and consequently no influence over the people, and were nothing more

than a *clique* holding power for their own particular purposes. Though this constitution had been given in 1791, it was not till 1810 that they were permitted to manage their own expenditure, and persons had been imprisoned for merely claiming this right of administration for the House of Assembly, that it might obtain the control of the public servants. This demand was refused by the Legislative Council, as was also a request by the House of Assembly to allow the civil list of the colony to be, as in this country, permanent during the king's life. On this second refusal the government proposed that the governor, the judges, and the secretary should be so secured as to salaries and retiring pensions. The salaries of the judges were made permanent by the House of Assembly, and the proceeding was approved of by lord Aylmer, the then governor; but resisted by the council, great part of which was composed of public speculators. When sir Robert Peel came into office in 1834, he found the Canadians demanding a responsible executive council, and that the Legislative Council should be rendered elective; he found them refusing to vote money till their grievances were redressed; and he sent out a commission, not merely to inquire, but also to redress; but the functions of the commission were unfortunately limited by his successors to the mere business of inquiry. The only object, which the government could have in instituting an inquiry with respect to matters with which they were well acquainted, was to gain time; and it was hoped by delay to obtain all that they wanted—money. Indeed, a

distinct proposition was, he understood, made to the House of Assembly to pass by the Legislative Council, and they were told that, if they voted the arrears of three years, and agreed to the civil list, those two measures would be accepted by the government, even though the Legislative Council should resolve to reject them. But sir F. Head being sent out to Canada, he published his instructions; and the House of Assembly, when these instructions were known, immediately resolved not to grant the money which the government desired; they, however, passed a money bill for six months, which was rejected by the Legislative Council; and at the present moment the government had no money legally at its disposal. What was it, then, that the government intended to do? Was it intended, as had been suggested, to repeal, by an act of the British parliament, the laws which placed the public money at the disposal of the people of Canada? If such a proceeding were adopted, the British dominion would endure there just so long as it could be maintained by military force and no longer. The only way to bind the people of Canada permanently to this country, was by redressing their manifold grievances, and altering the constitution of the Legislative Council. What harm could result from the adoption of this proposition? It was objected to as being American and republican. How puerile was that sort of argument! By what magic was an aristocracy to be formed in Canada? An aristocracy could not be created in a day; it must be the growth of an age. The aristocracy of England had existed ever since England was a

nation : and yet its influence, so far from extending, was daily diminishing, while the feeling of equality gained ground. If such were the case in this country, was it to be expected that an aristocracy could be maintained in a new nation? The existence of two parties in Canada—the French party and the English party—was put forward as a ground for preserving the Legislative Council, which was said to represent the English party, the French being represented in the House of Assembly, so that the application of the elective principle to the Legislative Council would render the French party too predominant in the legislature. The number of persons speaking the English language in Lower Canada was 134,000 and odd, and the number of persons speaking the French language, 374,932 ; so that the English party was about one-third of the amount of the French party. The House of Assembly contained 88 members, 64 of whom were said to be of French origin, all the rest being of English origin ; so that the English party constituted as nearly as possible one-third of the representation. But then it was said that all those English members did not vote with the government. That was undoubtedly the case ; and the same complaint was made in Upper Canada, where there were no French, which plainly proved that the demands made by the people of Canada did not proceed from narrow party considerations, but were founded on principle and justice ; so that if the British government attempted to continue their present sort of rule over Canada, the people of that country would be driven to

compare their condition with that of another nation close beside them, and the rapid and violent dissolution of the union between England and Canada would be the inevitable result. Another objection was, that if the Legislative Council was made elective, the Canadian Legislature would immediately seize on all the waste lands. But these lands were not the property of England, but of the Canadian people ; and when once they were placed under the control of the Canadian people, they would cease to be given away in jobs, but would be improved, and made productive for the country. He concluded by moving, “ that the House resolve itself into a committee of the whole House to take into consideration such parts of the 31st of George III., c. 31, as relate to the Executive and Legislative Councils of the Canadas, for the purpose of rendering the same efficient to the good government of those provinces.”

Ministers opposed the motion principally on the ground that it was premature to entertain it, before the commissioners had reported the result of the inquiries which were then going on. These inquiries were to extend to the constitution of the Legislative Council, and whether it might or might not be necessary to make some change, that question ought not to be entertained till the investigation was completed. The time might come when it would be necessary to make an alteration in the Legislative Council : but although a government ought not to be slow to grant those reforms which were called for by the general voice of the people, it ought not to outrun the public

opinion. There was no evidence of so general a wish among the people of Canada for such a change, as would justify ministers in proposing it. Some of the innovations now demanded formed part of a string of resolutions which had been moved in the House of Assembly in 1832, and had been rejected by a majority. It was only in 1833 that an elective Legislative Council had been claimed, and in 1834 it was determined to send out commissioners. The instructions to the commissioners set forth in regard to this matter, "That the king is most unwilling to admit as a matter of deliberation, the question whether one of the vital principles of provincial government should undergo alteration," and that "the solemn pledges so repeatedly given for the maintenance of that system, and the just support which it derived from constitutional usages and analogies, are alike opposed to such innovation, and might almost seem to preclude the discussion of it. But his majesty cannot forget that it is the admitted right of all his subjects to prefer to him, as king of these realms, their petitions for the redress of any real or supposed grievances. His majesty especially recognises this right in those who are themselves called to the high office of representing a large and most important class of his people. The acknowledgment of that right appears to the king to imply on his own part the corresponding duty of investigating the foundation of every such complaint. His majesty, therefore, will not absolutely close the avenue to inquiry, even on a question respecting which he is bound to declare that he can for the present

perceive no reasonable ground of doubt. His majesty will not refuse to those, who advocate such extensive alterations, an opportunity of proving the existence of the grievances to which so much prominence has been given. The king is rather induced to adopt this course, because his majesty is not prepared to deny, that a statute, which has been in effective operation for something less than forty-three years, may be capable of improvement, or that the plan, upon which the Legislative Council is constituted, may possibly in some particulars be usefully modified; or that in the course of those years some practical errors may have been committed by the council, against the repetition of which adequate security ought to be taken. Yet, if these suppositions should be completely verified, it would remain to be shown, by the most conclusive and circumstantial proof, that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly:" and the instructions given to the commissioners of inquiry were:—"You will therefore apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution; and considering of what amendments it may be susceptible. It is his majesty's most earnest hope and trust, that, in the practical working of the constitution of the province, there will be found to exist no defects, which may not be removed by a judicious exercise of those powers which belong to the crown, or which parliament has committed to the provincial legislature."

Having given the commissioners these instructions, it was not unnatural to call upon them to report the result of their investigation; and when the question was now forced on, the best answer was this—that the commissioners of inquiry, if they found any defects in the constitution of the Legislative Council, and any practical remedies for those defects, would report their opinions thereon to the Crown, and that it was therefore not advisable for the House of Commons, before such a report was made, to adopt a course which might be permanent and irrevocable, and at the same time directly in the teeth of that report, when presented to parliament. They should require the fullest proof and the fullest agreement, on the part of the commissioners, to make them believe that so vital a change was really required. But it must not be forgotten that the Complaints against the Legislative Council were not confined to the House of Assembly, they came also from the settlers of English descent in Canada, as would be found on reading their petitions. Some of these petitions, from English settlers, said:—"The power of selecting members of the council, which has been exercised by successive governors without advice or control in the colony, is in our opinion a most dangerous power." Such being the statement not only on the part of the House of Assembly, but also on the part of a committee acting on behalf of individuals entertaining very different opinions, it might fairly become a question whether the imperial parliament ought not to take measures to strengthen the Legislative Council, and to enable it to command more of the respect

and goodwill of the province than it commanded at present.

Mr. Hume advised Mr. Roebuck to trust in the mean time to the promises of redress thus held out, and withdraw his motion; and Mr. Roebuck complied, stating, at the same time, that he did not believe that government were prepared to say, that a measure for remedying the evils complained of was delayed only till the report of the commissioners should be received. Sir Robert Peel thought that the grounds, on which the motion was withdrawn, were calculated to excite expectations in Canada which, if not realised, would leave this question in a worse position than formerly. The specific point raised by the motion was, the substitution of an elective Legislative Council for one named by the crown, and it seemed to be withdrawn on the understanding that this topic would occupy the attention of the commissioners and the government. He begged, therefore, to say for himself that he did not wish to be considered a party to any such understanding. He was ready to oppose any proposition for a fundamental change in the principles of colonial government; and if such a change were contemplated, he greatly doubted whether it would not be better for the government to make up its mind as to the course to be pursued, rather than to leave the subject open to discussion, from a belief that the motion had been withdrawn in consequence of the required change being under consideration. If government truly intended to bring forward a proposition in reference to it, he hoped it would be made on their own responsibility, and with as little delay as possible. If such

was not their intention—if they still condemned the attempt to change the vital principles of colonial government, sanctioned by usage so long and by such political analogies as almost to preclude discussion respecting them, it would be better at once to discountenance all false expectations.

In the foreign relations of the country, the points which principally occupied the attention of parliament were those connected with the interference of Britain in the civil war which was raging in Spain, an interference which seemed to be becoming more direct as the situation of the queen became more critical, and the Carlist arms more prosperous. On the 26th of February, Mr. Maclean, one of the members for Oxford, directed the attention of the House of Commons to the policy of this interference, which he described as being unintelligible in itself, and inconsistent with all precedent. It seemed to be used, not to finish the contest but to keep it alive, although it was manifest that all interference against Don Carlos, which did not put him down, would turn, in the event of his success, to the prejudice of this country. If he was ultimately the victorious candidate, we could expect only feelings of acerbity and dislike in the government of Spain; and assuredly we could not hope that the military stores and equipments, which had been sent to the queen, would be paid for by the competitor whom they had been intended to ruin. It was said, indeed, that the cause of the queen was the cause of liberty and of the majority of Spaniards, while that of Don Carlos was the cause of despotism, and of one or two provinces. Even if it were

so, the interference on that ground between the two parties would be interfering in the domestic concerns of another nation; and there was nothing which government more anxiously disclaimed, at least in words. But farther, our interference had only thrown both parties into a position of more determined rivalry and more bitter animosity; it had produced no effect on the contest of opinion, except, that, in consequence of the jealousy which all Spaniards entertained of foreign intermeddlers, injury might be done to the cause which we had espoused. Lawyers might be divided on the legal question of the right of the queen; abstract justice might be on the one side or on the other; but the question to be answered was, why did we interfere in the dispute on either side? Revolutionary juntas were threatening the queen on one side, and Don Carlos menaced her on the other. The one were longing, with all the eagerness of proselytes, for that equality which leads to republicanism, while the adherents of the other were preaching and practising principles just the reverse. In what way had our interference tended, or could it tend, to put down either the one or the other? Was it even altogether desirable that it should?—for the present contest in Spain involved the rights and privileges of the Basque provinces—privileges which perhaps no country on the continent, certainly no province, enjoyed—the regulation, for example, of their customs' duties, and even the right of taxing themselves. The government of the queen had abrogated those privileges; the people of the Basque provinces had risen, as one man, to claim a res-

toration of rights to which they conceived themselves entitled, and which, to them, were privileges of the highest importance. Was it, he would ask, either just or expedient that the English nation should engage in aiding to abrogate privileges so valuable to those who had possessed them, and so utterly unconnected with any of the interests of England? Undoubtedly we were bound to support any treaty into which we might have entered: if there was anything more sacred than another, it was the conservation of our honour, and, above all modes in which that could be best accomplished, was a strict fulfilment of every stipulation contained in any treaty to which Great Britain might be a party. But in proportion as the ties of policy and morality made any treaty binding on the contracting parties, so should they be cautious how they entered into any compact with any foreign nations. By the quadruple treaty, England had contracted to supply a naval force, arms, ammunition, and naval stores! France had pledged herself to take all such steps as the august allies of the king of the French should deem expedient, or as he himself should think fitting, but had undertaken nothing overt. England was to embark in all the expenses of the expedition. Whatever might require funds was to be done by this government, and none other, including the supply of arms and all munitions of war. While, then, every one of these undertakings was particularly and specifically set forth, there was not a syllable said on the subject of payment. The French government, indeed, had undertaken to prevent the passage of any stores

to the aid of Don Carlos; but probably there was some shrewd notion entertained that this undertaking would not put the French nation to much expense or trouble. The war was thus an onerous one, engaged in without a cause, or without any specific intelligible cause which could be assigned, and continued without any specific point being fixed as its termination.

Lord Palmerston said, that the interference of this country had consisted first, in executing the quadruple treaty; second, in the order of council which, by suspending the foreign enlistment act, had enabled the British legion to be formed, which was now serving in Spain. The treaty itself was not a new one; it did not raise any new question; no motion had ever been made to disapprove of it; and its execution was admitted to be imperative. The only objection made was, that the treaty laid a heavier burden on Britain than on France, that Britain was bound to furnish arms and a naval force, while France was required only to watch its southern frontier, and prevent supplies and stores from being introduced into Spain for the use of the Carlists. It was true that, in this view of the obligations, those of England were greater than those incurred by France. But when it was considered that between the southern provinces of France and the northern provinces of Spain, there was great and constant commercial intercourse, and that in order to fulfil her engagements, France had been obliged to interrupt it almost entirely; it must be confessed that the faithful and complete execution of that article had imposed on France sacrifices far greater than

those which Britain was called on to make; for, although we had furnished a considerable quantity of arms, yet the Spanish government had undertaken to repay that amount. The effect of the order in council, again, had merely been to leave the king's subjects in the position in which they stood by the common law, and precedents would have justified the government in doing even more. Queen Elizabeth sent assistance first to the Huguenots of France, and next to the revolted subjects of Spain in the Low Countries. In these cases she not merely left her subjects at liberty to go to their aid, if they chose, but she did that which ministers had been falsely and unjustly accused of doing—she did in an underhand manner what she did not choose to do openly, and being restrained by prudential reasons from publicly declaring war, she gave permission, in her own name, to her subjects to join the insurgent forces, supplying them with money; and she despatched 6,000 men to aid the insurgents in the Low Countries, whom she raised at her own expense, and furnished with trains of artillery. What happened in the revolt of the Low Countries? The army of prince Maurice was composed of persons of all nations, whose adventurous spirit and love of freedom led them to fight in its ranks, and seek for distinction in the victories he gained. At the battle which took place near Nieuport, the British auxiliaries, under sir Philip de Vere, were mainly instrumental in gaining the victory there achieved. When Ostend was taken a few years afterwards, who were the officers who commanded the garrison? Edmonds, a Scotchman, and Martine, a Frenchman, were among

the number, while sir Philip de Vere was in the army which ried on the operations of the siege. To say, therefore, that for the subjects of one country to engage in the contests of another was contrary to the law or practice of nations, and that an antagonist of such volunteers might justly threaten to refuse them the privileges of prisoners of war, as Don Carlos had threatened to do, was a proposition at variance with all history.

The cause and the limit of the interference, again, rested on the plain principle of assisting Spain to maintain her independence, so far as our power went, while we avoided enterprises beyond our means, and attempts that might involve us in a war which it would be unwise or dishonourable to undertake. It was said, that ministers had interfered while they pretended not to interfere, and had taken up the cause of the queen, in which Britain had no interest. The existence of the treaty and order in council showed it was a misrepresentation that interference had not been their professed object. It was for the interest of Britain that Spain should be free and prosperous, enjoying the benefits of the constitution which had been granted to her. So long as we had commerce to protect, or shores to defend, it was insanity to say, that we should be debarred from interfering in the affairs of Europe. We had interfered in other countries with advantage both to them and to ourselves. We had interfered in the case of the Greeks; they were no longer that nation of robbers by land and pirates by sea they had been reproached with being, but were

settling down to the arts of peace, building cities and cultivating their fields. In the affairs of Belgium we had interfered; and the Belgians, instead of being discontented and turbulent as they once were, were now contented, and happily governed by a king of their own choice. We had interfered in the affairs of Portugal; we found her wasted by civil war, or rather oppressed by a grinding despotism, the flower of her nobility in exile, and the greatest part of their property confiscated. She was now free and prosperous; even the Miguelites buying the national lands, and every act of the government promising a long career of prosperity. Undoubtedly we were more interested in the affairs of Spain than in those of these other countries, and he doubted not but that the result would be the same. The more the question was discussed, and the merits of the contending parties weighed, the greater would be the confidence reposed in the success of the queen's cause. He founded this opinion on the general principles of human nature, on the feeling of the Spanish people, upon his conviction that, when there was such a cause as that of Don Carlos upon the one side, and such a cause as of the great majority of the nation upon the other, it was impossible that the right should not prevail; and he would not believe in the possibility of the success of Carlos, until he saw him descending from the modest retirement of the hills and caves of Biscay, surrounded by a conquering army, or installed in his proper place, in the magnificence of the Escorial.

Sir Robert Peel thought that the somewhat vague principles on

which our interference in the Spanish contest was now justified, went farther than any public man had yet propounded, and were not a little dangerous to the peace, the independence, and the freedom of other nations. If these principles were correct, there never yet was a government, it being itself the sole judge of the necessity, which had not a right, or, if it had not, could not make out for itself a right, to interfere in the domestic concerns of its neighbours. Although we might be deeply interested in the commerce of Spain; was that a sufficient justification for our present interference? Or if it was to be justified because we had an interest that a free government should be established in Spain, a similar allegation might be made by the despotic governments of the Continent as their justification for checking the growth of nascent freedom in any of the states in their vicinity. Prussia or Austria, for instance, might allege, "Our interests are opposed to the establishment of democracy, or to the maintenance of popular government, in the neighbourhood of our territories, and on the same principle on which England, possessing a popular government and a free constitution, has interfered in Spain to procure the establishment of a similar political system in that country, do we justify ourselves in promoting a system of despotism, and in crushing the first attempts to establish a just and rational liberty." The mode of the interference was no less indefensible. Treaties once concluded must be fulfilled; therefore he had honestly executed the quadruple treaty, while he was in office, however much he differed

from the policy which had produced it; and if that treaty required that a foreign expedition should be sent from this country to Spain, that would be a sufficient justification for the government in sending it. But he contended that, by the quadruple treaty, no obligation was imposed upon us to interfere in the contest by recalling the prohibition contained in the Foreign Enlistment Act. The recall of that prohibition made us substantially a party in the contest. The quadruple treaty specified what we should contribute to the common cause. If that treaty required from us military intervention, the government was justified in such intervention: but the question was, "did that treaty impose on us the obligation to repeal the prohibition contained in the Foreign Enlistment Act by the exercise of the prerogative of the Crown in favour of one party?" If it did not, the policy of that repeal was as open to question as if the treaty had never been made. Now we were not called on by the quadruple treaty to permit an English army, not under the control of English officers appointed by the Crown, to go to Spain as an auxiliary force. We had not taken—we could not take—any security for its success. And where was it to stop? Was it held that the quadruple treaty required from us still more coercive measures against Don Carlos, supposing the present measures to fail? We had already given the Spanish government permission to enlist 10,000 men in this kingdom; were we to give it permission to enlist 10,000 more? Or were we to support the British soldiers now under general Ervas by a more marked

exhibition of the military vigour of England? 'Having begun by a grant of arms and ammunition, and followed that up by permission to enlist, were we to go still further? No analogy could be taken from our interference in other instances. The case of Portugal was distinct from all others. We stood to Portugal in a very different relation from that in which we stood to any other country, being bound to it by treaties of a very special nature; and our interference in its concerns, either with a naval or a military force, rested upon grounds very different from any which existed between us and any other nation. We had interfered, too, it was said, with the domestic concerns of Belgium. How? The inhabitants of Belgium, for reasons, best known to themselves, refused to submit to the yoke of the king of Holland. After that refusal broke out into open resistance, a question might have arisen, whether under treaties then in existence we were not bound to protect the king of Holland in his rights or dominion over Belgium. Right or wrong, we declined to interfere. If we had a defensive alliance with another country, and that country was attacked by a third party, then, if called on, we must interfere and assist it in that foreign quarrel. But it was not a foreign quarrel in which the government of Spain now demanded our interference. The objection to our interference in Spain was, that we, professing principles of non-interference, except in a peculiar case of danger arising to ourselves from vicinage, or from the undue preponderance of a third party, had undertaken, when there were two parties struggling for the suc-

cession to the crown of Spain, to interfere in behalf of one of them, and to say that the claims of the inhabitants of the Basque provinces were not founded in justice. He did not see the policy of letting a large force of British soldiers enter into the service of a foreign power in the way in which the British legion had entered into the service of the queen of Spain. If defeated, it injured the national character, and damped the national spirit. If, in consequence of that defeat, its numbers were increased, and if upon that increase it became triumphant, and returned to England flushed with feelings of victory, he would not conceal the apprehensions of danger which he entertained from having two different armies, both belonging to the same country, but connected with their officers by different ties. Moreover, he doubted the ultimate result of the war which we were now assisting the queen's government to carry on. If we succeeded in establishing her dynasty by the assistance of a foreign force, it was to be feared we would do little good. If the queen's government could not repress a mountain insurrection without the aid of a foreign force, a government, which rested for support on foreign intervention, could not be permanently successful.

Sir J. C. Hobhouse denied, that the promotion of the general principles of liberty, or the protection or advancement of our commercial interests, were vague or undefined principles, and insisted that ministers had done nothing but act up to the spirit of treaties, by which the country was bound, and of which parliament had never disapproved. According

to the terms of the treaty, government might have gone much farther than it hitherto had gone. It might have furnished naval support to the queen of Spain, and engaged the country in more direct hostility with her antagonists. All that could have been said in such a case was, that having engaged to support the legitimate government of Spain, we had only acted up to the letter and the spirit of the treaty. The government had done their duty without compromising their own character, or that of the country, or doing anything which, if they were out of office to-morrow, the member for Tamworth could, or would find fault with. If they were now to displace ministers, he would find things in the same situation as when he took office in 1834; and as he found no difficulty in following up the foreign policy of his predecessors then, there was no reason why he should experience any greater difficulty now. The great question was, whether anything had been done of which parliament had a right to complain? No charge of that nature had been made, and therefore there was nothing to refute.

In the course of this discussion, both parties united in expressing their detestation of the cruelties, by which the progress of the war was distinguished among the partizans both of the Queen and of Don Carlos; and the topic was again forced into notice, by Mina having ordered, not a Carlist chief, but the aged mother of a Carlist chief, to be shot as an example. On the 18th of March, lord Aberdeen moved, in the House of Lords, "That there be laid before the House, copies or extracts of all

correspondence between his majesty's government, and his majesty's minister at Madrid, for the purpose of showing the efforts that had been made by his majesty's government, to mitigate the sanguinary warfare now carrying on in the northern provinces of Spain; together with the remonstrances addressed to her Catholic majesty on the subject."—He made the motion for the purpose of drawing attention to the atrocities of a contest, in which, he contended, Britain was a party. It was remarkable, that, from the very commencement of this contest, it was distinguished by atrocities of the most revolting character. An attempt, indeed, was made by the duke of Wellington, to arrest the progress of those excesses, by the establishment of a cartel for the regular exchange of prisoners; and if that convention had been truly followed up, it would have had a most beneficial effect. But it was disregarded; and he had no hesitation in stating his belief that the intervention of his majesty's government, with reference to the affairs of Spain, led to that unfortunate consequence. These cruelties had gone on increasing day by day, until they had at length arrived at the very acme of ferocity and horror. When he used that phrase, he referred to the murder of the mother of one of the partisans of Don Carlos. It was said that this man, Cabrera, who was the partisan of Don Carlos, had been guilty of various excesses. What those excesses were, he knew not; but he was willing to assume that Cabrera's conduct was bad enough. It appeared that orders had been given for the arrest of this old woman,

the mother of Cabrera. The individual, to whom that duty was intrusted, did not think himself justified in putting the woman to death, and he applied for instructions to the governor-general of the province. Those instructions arrived soon after; and they were, that this unfortunate creature should be put to death without delay. He really did not know that he ever met with anything quite so monstrous, quite so atrocious, as this. He did not believe that, in the wildest, in the most horrible excesses of the French revolution, anything so disgustingly horrible could be found. It was not the act of the moment; it was not the offspring of a sudden and wild revenge, created by feelings springing from a sense of immediate injury:—no, it was an act sanctioned by the highest authority in the country—that authority having had ample time for deliberate consideration. Yet, would it be believed, the individual who had given that order, was received on board one of his majesty's ships, with almost royal honours—with every mark of the proudest and highest distinction? Cabrera had resorted to retaliation; he had already put to death four ladies, the wives of Spanish officers; and had further threatened that he would order to be shot every person taken in arms on the queen's side. Nogueras, the queen's general, following up this barbarous system, had notified that for every individual so put to death, he would murder five innocent victims. The other savage, Cabrera, responded to this by a declaration, that for every one of his party who should be thus destroyed, he would put to death twenty of the opposite faction.

What had government done to put an end to such a deplorable state of things? They had furnished for this war more arms than the queen had troops under her command—supplies to the value of at least 400,000*l.*, were furnished to Spain. It never could be supposed that these supplies were intended for any other purpose except the carrying on of legitimate warfare, such as it had always been practised and known. If it were otherwise, the government, knowing, as they must know, in what manner, and for what purposes, those arms were used, rendered themselves in some measure responsible for the conduct of those who so used them. A body of adventurers, likewise, had left this country under the special protection, and with the special encouragement of the king's government, who, by their suspension of the law which prohibited the enlistment of men for foreign service, had virtually connected themselves with that service. Now, whatever might have been the motives of these men, it was the duty of the government to protect them, as far as possible, from destruction. Their very occupation gave rise to serious reflections. What sort of education were these men now getting in this war? Would not the system of warfare pursued in Spain send back those who survived the contest, brutalised to a degree which could not have been expected, if they had been employed in any other contest: and was not their probable conduct, when they should return to this country, calculated to awaken serious apprehension? It was in the power of government at once to give a different character to this war. If they were pre-

pared, as they should be prepared, to revoke the order in council which allowed these reinforcements to proceed to Spain, to declare that his majesty would recal his subjects from that country, unless a different mode of warfare were adopted, and to state decidedly that no supplies should be furnished, except for the purposes of legitimate warfare, and not for a war of tigers and hyenas, it would be idle to suppose that the Spanish government would not instantly yield. But, on the other hand, if the government found it impossible, in consequence of the barbarous nature of the parties concerned, to effect that object, then nothing could by possibility justify their support of such a contest for one moment longer.

Lord Melbourne, while he concurred in abhorring the savage acts which had been perpetrated, and, above all, this last atrocity which had dishonoured the cause of the queen, stated that the government here had not allowed it to pass unnoticed, and maintained both that the convention concluded under the auspices of the Duke of Wellington had, in a great measure, gained its objects, and that, in so far as it had failed, the policy of ministers had no share in producing the disappointment. So soon as the British government heard of Cabrera's mother having been put to death, they wrote to Madrid, demanding investigation and satisfaction. The consequence was, that General Nogueras was deprived of his command, and an inquiry ordered with reference to this horrible affair. As to the honours which were paid to Mina, when going on board a British ship, it was a matter of etiquette. From the high situation

which he held in the country, he was treated as any other functionary would be of equal rank, when he came on board his Majesty's fleet. His Majesty's officers could not sit in judgment on the character of the man or on his deeds, and resolve, in consequence, to receive him in a particular way. It was not correct to say that the convention had turned out totally useless. It had saved many lives; exchanges had been made, and still continued to be made, under it. Ministers had done everything in their power to mitigate the character of the war; but he did not think that, because they could not effect all they wished, they were bound to abandon all the great interests involved in this question, and change their policy in reference to western Europe. The Duke of Wellington thought it manifest that sending a body of troops into Spain had necessarily led to the non-observance of the convention. The result of that proceeding could not but be a total loss of the moral influence, which this country, under a different state of things, might have exercised over the counsellors of the prince who was now at the head of one of the belligerent parties. As a necessary inference from that, it was also clear that the cartel could not now be carried into execution. The gravamen of the case against ministers was, that, by sending troops to Spain, they had made his Majesty a party in the contest, and thus lost all influence over Don Carlos, as well as all power of doing anything towards humanizing the war, or effecting any other useful purpose. These troops had not been of the smallest use; and, failing to be of use, they had been productive of much detriment, for they had de-

prived the government of this country of the respect which it had previously enjoyed, and deprived Spain and Europe of the salutary influence which it must otherwise have exercised over the councils of Don Carlos by means of the neutral character which his Majesty then maintained.

The progress of events not only left the military prospects of the queen as cheerless as before, but a military insurrection of her own partisans, accompanied by tumult and murder, compelled her to concur in a new revolution, and to proclaim the democratic constitution of 1812. The influence, which this change of circumstances ought to have on the policy of Britain, was noticed by Mr. G. Price, one of the members for Sandwich (Aug. 16), on a formal motion for production of the dispatches of the British minister at Madrid announcing the revolution. For what was it, he asked, that this country was now to be a party in the war? Was interference to be continued in order to support the Spanish constitution of 1812, which, on the one hand, refused to tolerate any religion but popery; and, on the other, was utterly impracticable by the fanatical ultra-democracy of its political arrangements, possessing no hold on the country—promulgated by some profligate and violent men, ignorant or regardless of all true principles of government—and in defence of which, when Ferdinand abolished it at the call of every intelligent man in Spain, not a musket was fired. It was now clear that the queen was in a miserable minority, and had never been supported except by the interests and operations of stock-jobbers, the natural allies of a prime minister like

Mendizabal. At present two-thirds of the country were in possession of Don Carlos, and a great proportion of the remainder was in the possession of the Constitutionalists. There was no chance that the government of the queen would be able to put down these two powerful parties; and it would be ridiculous to expect that such an object could be obtained by the mode in which this country at present interfered. Let them either return to the old English system of waging war openly, or not interfere at all. The foreign Secretary admitted, that he did not think the constitution of 1812 a form of government which could be practically carried into execution; and that, if it were adopted by the general concurrence of the Spanish nation, it would be necessary to make great alterations upon it; but these were questions to be decided by Spaniards, and not by the British House of Commons; and there was nothing in the late occurrences to increase the probability of Don Carlos and a despotic government being able to establish themselves in Madrid, or to relieve this country from its obligation to fulfil treaties. His lordship likewise complained, that these attacks of the opposition on the Spanish policy of the government, and their repeated predictions of the failure of the queen's party, arose in reality from a hope that Don Carlos might succeed in the restoration of despotic power—a species of logic which would have led to the inference that lord Palmerston and his colleagues clung to the opponents of Don Carlos, because they rejoiced in the omnipotence of military insurrections, and the energetic lessons read by tumultuary massacres.

Amid the revolutionary excitement which had shewn itself so abundantly in Europe during the last years, the Polish town of Cracow, erected in 1815, under the protection of the powers who were parties to the treaty of Vienna, into an independent state, with its own municipal government, had become the rendezvous of fugitive politicians, who had been losers at home in the game of insurrections. It was not unnatural that these persons should occupy their leisure with concocting new schemes; and, at all events, on a statement that Cracow contained the elements of dangerous conspiracies against neighbouring governments, which its police refused to disperse, a body of Austrian, Russian, and Prussian troops took possession of the city in the beginning of the year, and retained possession, till all sources of alarm had been removed. This proceeding was immediately brought before the House of Commons as a violation of the treaty of Vienna. The subject was introduced by sir Stratford Canning (18th March), from whose statement it appeared that the three powers had addressed a joint note to the senate of Cracow, requesting them to send away, within eight days, all Polish refugees, and other dangerous persons; that the senate had remonstrated against so sweeping a denunciation of individuals, many of whom had resided there for years, had married, and were following permanent avocations; that military possession, however, had been taken on the expiry of the eight days, that 400 persons had been given up to the commander of the occupying force, while others had been required to find security for their good beha-

viour, that the president of the republic had resigned, and his place had been supplied, in the meantime, by the direct nomination of the residents of the three powers. Now Cracow, although a very small republic, had interests far beyond the proportion of its extent or population. Surrounded by three great military powers, it could be maintained only by the interest which others might take in its preservation. Accordingly, not only did its establishment as an independent state occupy a foremost place in the treaty of Vienna, but he believed it also occupied a greater number of articles in the arrangements then made than any other country whose interests were affected. The sixth article of the treaty provided, "That the town of Cracow, with its territory, is declared to be a free, independent, and strictly neutral city, under the protection of the three contracting powers, Austria, Russia, and Prussia." By the ninth article the three contracting powers engaged "to respect, and to cause to be always respected, the neutrality of the free town of Cracow and its territory, and that no armed force should be introduced on any pretence whatever. On the other hand it is understood, and expressly stipulated, that no asylum shall be afforded in the free town and territory of Cracow to any deserters, fugitives, or persons under prosecution belonging to the country of either of the three contracting powers; and in the event of the demand of their surrender by the competent authorities, such individuals shall be arrested, and given up without delay, and conveyed under a proper escort to the guard appointed to receive them

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at the frontier." Not only did the congress of Vienna provide in this manner for the neutrality and external relations of Cracow, but likewise its internal government was made the subject of a separate treaty, affixed to the general treaty, and was evidence that the independence of Cracow had been placed under the strongest guarantee that the morality and civilisation of Europe could afford. The next article in the treaty began with these words:—"The three courts having approved of the constitution by which the free town of Cracow and its territory is to be governed, and which is annexed as an integral part to the present articles, take that constitution under their common guarantee." Great Britain was an immediate party to this treaty; its provisions were parcel of our solemn engagements; and when circumstances so extraordinary occurred, as that a state, recognised as free and independent, was occupied by foreign powers, surely they were called on to look narrowly at these events, and see whether or not any violation of the engagements, in which we were so peculiarly interested, had or had not taken place. The three powers had sought their justification in the ninth article of the treaty, which declared that Cracow was not to protect deserters, fugitives, or persons under prosecution; but although Cracow was thus clearly bound to exclude from its territories deserters subject to the three great powers, or to give them up when demanded, the question still remained, whether this obligation went to the extent of enabling the protecting powers to enforce the execution of it by military occupation? and it was

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not imaginable, when there were so many proofs of a provident and paternal regard for this state, and such delicate care, he might say, had been taken to insure its safety, that so dangerous a power should be lodged in the hands of the great military empires which encompassed it. Or was the reason assigned the true one? He found from a gazette published in Cracow, more or less under the authority of government, that when the disorders in that city were said to be at their height, there was no truth in the report of disturbances having taken place requiring the interference of the military. It was alleged that, on the birthday of the empress of Russia, the windows of many houses in the town were broken by some disorderly persons, and likewise that letters on the subject had been received by some of the magistracy; but he could find nothing to warrant the supposition that any tumult of a serious nature had happened. He did not charge the three powers with having in view the partition of the territory of Cracow; that was not worth their while. The true cause of the measure they had taken probably was, that they found its vicinity inconvenient, not only on account of some occasional disorders which might take place within its confines, though they could not be of sufficient consequence to produce these extraordinary effects, but because its institutions were brought into strong opposition with those of the surrounding countries, and the state of the population of the neighbouring districts, miserable from the tyranny to which they were exposed, contrasted disadvantageously with the condition

of the inhabitants of Cracow. In 1772 the same pretexts were advanced, by the same powers, to justify their encroachments, as were now brought forward to defend the occupation of Cracow. Sufficient ground for an inquiry existed. A great number of persons had been ordered to be removed to America; and there was too much reason to suspect that, with regard to all these, the limits of the treaty had not been strictly observed. It appeared that shortly after the arrival of the Austrian troops, 400 men resident at Cracow were brought to the frontiers of Austria and given up, and that the number had been since increasing. Was it to be supposed that all these were deserters, fugitives, disturbers of the public peace, and dangerous persons? A great many of them had married in Cracow. Even if they had shown a disposition to riot, was it to be credited that men, connected with the place by such ties, were unable to give security for their future good conduct? It was impossible to resist a disposition to inquire, whether there were none of our own countrymen among the sufferers to be sent to America—whether there were not among the number those who had claims not merely upon our feelings, but upon our sense of justice and of our duty to them? Moreover, there was reason to believe that an engagement was entered into between the three great powers, as far back as 1833, for the military occupation of the territory. The arrangement thus seemed to have been of long standing, yet no communication whatever of their intention was made to any foreign state.

Lord Palmerston found himself

considerably embarrassed in consequence of neither the fact of the military occupation, nor its causes, having been communicated to him officially by the three powers, all his information being derived from our ministers abroad, and the notices which had appeared in the different journals of Europe. Undoubtedly the demand made by the three powers on the senate of Cracow appeared contrary to the letter of the treaty; for they had not required that the persons referred to should be given up to the powers to which they might belong, but that they should be within eight days removed from the territory of Cracow. At the same time, if the statement were true which had been given out, not in the official note, but in other quarters, as a justification of this measure, it might be considered as falling within the spirit of the treaty. It was alleged that a number of persons, natives of Poland, assembled in the state of Cracow, and, inspired by feelings which, perhaps, in their peculiar circumstances, were any thing but unnatural, had established a communication with the inhabitants of some of the Russian and other parts of Poland, of a character seriously to threaten and disturb the tranquillity of the neighbouring states. But although the three powers might have been justified in requiring the state of Cracow to call on such persons to depart, it by no means followed that they were justified in going the length of military occupation, in consequence of the temporary delay which might have preceded their departure. As yet no sufficient reason had been given either for the entrance of the troops, or the shortness of the interval which

had been allowed between the demand and the entrance which had been effected. He should, therefore, say, that, although it might be difficult to deny the right of the three powers, under the circumstances assumed, to require the removal from Cracow of those persons who had been really engaged in the alleged correspondence, yet the demand made far exceeded any apparent ground of necessity, and that to require in such sweeping terms the expulsion of so many individuals, great numbers of whom were known to have settled in the place, contracted marriages, acquired property, and entered into the service of the state, was far beyond what could even possibly have been necessary for the safety of the adjoining states. At the same time, it was only due to them to say, that the first sweeping extent of demand was afterwards considerably mitigated by a second communication to the senate of Cracow. It was clear, however, that all friendly means should have been exhausted, before such extreme measures were resorted to. If such representations had failed, there were other expedients obviously applicable for the purpose of obtaining compliance, much short of that violent military occupation, which appeared to have been so rashly carried into effect. Under all circumstances, likewise, seeing that Great Britain had been a party to the treaty of Vienna, it was the duty of those powers, when they made the demand, and before they had recourse to occupation, to have communicated to the government of this country the grounds on which they thought themselves entitled to act, and the

intentions they were about to put into execution. He believed there was a convention made, not as had been stated in 1833, but in the beginning of the present year, regulating the course which was to be pursued. With regard to the mode of executing it, however, after what had passed between Russia and Poland, he could not but regard the selection of Austrian, rather than Russian troops, for the purpose of occupation as a measure of great good feeling and kindly discretion on the part of the three powers.

Mr. O'Connell was vehement against the "land piracy" of "the crowned robbers," the "three plundering powers," who had not only violated the neutrality and independence of Cracow, but had treated England and France with the grossest contumely; and he insisted that ministers should be made to speak out plainly and manfully to Russia. He trusted that the period was not remote, when, with the assistance of France, we would be able to demand not only the restoration of Poland to her former independent station in Europe, and the restoration of Finland to Sweden, from which it had been unjustly wrested, but also the compulsory retirement of Russia into those Asiatic limits, out of which she ought never to have been allowed to advance. He likewise advised that if any part of the Russian Dutch loan due by this country was not yet paid, payment should be refused, till satisfaction was made to Cracow. Mr. Hume joined in recommending this pecuniary penalty, which might be given to those who had been expelled from Cracow—wondered what was the use of diplomatic agents, since

our ambassador at Vienna had not thought it worth while to make a violation of neutral territory the subject of a dispatch as soon as it occurred—and thought we should get rid with all speed of treaties or stipulations which compelled us either to see engagements violated, to which we had been parties, or to go to war in order to enforce them. Lord John Russell did not think high language a wise thing on such an occasion, and could not agree that it would be proper to come to any strong resolution on this question, even when they knew more about it than they did now, unless they were prepared to support it by means of force; the more particularly as the honour of Great Britain was not committed in the transaction. This last phrase called up Lord Dudley Stuart to protest that the honour of Britain had been violated. Was it no affront for these three powers to tell a great country like this, that the treaty, which settled the possession of all the powers of Europe, and to which it was a party, should be violated and infringed at their pleasure? Was it no attack on our honour, or a thing which we ought not to resent, to be told that the treaty had been torn to pieces and trampled under foot by these arrogant northern courts? By the violation of the neutrality of Cracow a serious blow had been inflicted on our national reputation, and on the security of every country in Europe. Even if it could be proved—which he denied—that those powers had a right to make the demand which had led to the occupation of Cracow, still the outrage and the insult on England were not the less. There was a want of the usual diplo-

matic courtesy in the mode in which that occupation was accomplished.

On the 19th of February a lengthened discussion took place regarding the dangers to which Europe was supposed to be exposed from the growing power and systematic encroachments of Russia. It was introduced by lord Dudley Stuart, who moved an address for production of the treaty of Constantinople or Hoonkiar Skelessi between Russia and the Porte, the treaty of St. Petersburg, the correspondence between the British government and the governments of Russia and Turkey relative to these treaties, and the correspondence between the courts of London and St. Petersburg regarding the remonstrances made by this country against the conduct of Russia towards Poland. His lordship drew an alarming picture of the colossal power to which Russia had gradually attained, occupying a greater extent of territory in Europe than all the rest of Europe put together, and, in Asia, a territory three times as great as what she occupied in Europe, possessing a population of fifty millions of subjects in Europe alone, exclusive of Asia wielding an army of 700,000 men, and a navy of at least eighty line of battle ships and frigates—guided by the energy of a government of unmitigated despotism, at whose absolute and unlimited disposal stood all persons and all property. These formidable means had been constantly applied towards purposes of territorial aggrandisement, and every new acquisition became an instrument of gaining others. In 1721 she first got the territory on which St. Petersburg stands, and soon afterwards ex-

tended her power over Livonia and Ingria. In 1724 she got Little Tartary, and in 1725, she took possession of the Crimea. She seized Odessa in 1792; the second partition of Poland gave her part of Lithuania in 1793. In 1795 she took more of Poland, and the remainder of Lithuania; Georgia was soon afterwards added, and in 1809 Finland and Lapland. In 1812 she seized Bessarabia; in 1814 she extorted from Persia all the provinces south of the Caucasus. She continued to go on, till, in 1815, her dominions were extended to the North Sea. In 1828, they were pushed beyond the Araxes. In 1829 she acquired a great extent along the coast of the Black Sea by the treaty of Adrianople. In 1832 she converted the kingdom of Poland into a Russian province; and in 1834 she obtained still farther accessions of territory in Asia. But she was not sated: aggrandisement was still her object: she was bent on obtaining Constantinople and the Dardanelles, and then her dominions would extend from the North Sea to the Mediterranean. To gain the Dardanelles had been the object of Russia for a century: that was what she had aimed at in her late proceedings regarding Turkey, and in the treaty of Hoonkiar Skelessi; and all that England had against this was a mere protestation of Russia, whose whole history was a tissue of perfidy, and whose violation of engagements was the more certain, the more solemn that her protestations had been. If she got possession of the Dardanelles, she would add Turkey to her dominions. This would at once raise her navy to at least 100 sail of the line, and the consequences

to British commerce would be most serious. We should lose, if not the whole, a great part of our trade with Turkey, which was continually augmenting, while that with Russia was diminishing, for no state had adopted a tariff so inimical to this country as Russia. We should likewise be deprived of the increasing trade with Persia through Turkey, and could not even be sure of retaining the trade to the Persian gulph, when Russia had become the master of Persia by the acquisition of the Dardanelles. The danger to our eastern possessions would be still more momentous. Persia becoming, as, in a few years it undoubtedly would become, a Russian province, Russia would come into contact with our Indian population; and we should soon perceive the extraordinary effect of this contact on our Indian subjects. The empire of this country in India was founded on opinion; and so soon as Russia, by possessing contiguous territory, was in a condition to send a force into India, that very fact would supersede the necessity of doing so, because, from that moment, the ascendancy, which Britain enjoyed in the minds of the natives, would cease to exist. He knew that many treated the idea of a Russian invasion of India as a chimera; but at least it had been seriously entertained and considered by the Russian cabinet. Their war-office contained plans and maps, drawn expressly for the purpose, showing not only the practicability of such a scheme, but the various modes in which it might be executed, and the military stations which ought to be established. At all events this much was certain, that nothing could give so

great facilities to such a scheme as the subjection of Persia, and that nothing would so much favour that subjection as the destruction of Turkey, and the seizure of the Dardanelles. And who could tell that the Dardanelles would not be seized by Russia at any moment? She had a large fleet in the Black Sea; she had the full command of the mouths of the Danube, and of the commercial marine of Odessa and Trebisonde: in three days she might be at Constantinople, and in Turkey she would meet with no resistance; and if once she established herself in the Dardanelles, which had already been fortified by Russian engineers, she could never be expelled except by a general war. She would be in full and indisputable possession long before any expedition could be sent from this country, even if England should think of expeditions against the enormous force which Russia would have at her command.

That Russia was determined to have the Dardanelles, and began by excluding all other nations, would be plain from the treaty of Hoonkiar Skelessi for which he had moved. Was not the effect of that treaty to prevent any ship of war from passing the Dardanelles except with the permission of Russia? In consequence of this the Ambassador of England, going to represent this country at the Court of Russia, was forced to embark on board of a vessel unsuitable to his character, and which was disarmed for the express purpose of avoiding the necessity of asking that permission. Lord Durham, who sailed from England in a frigate, was forced to go on board the *Pluto*, an armed vessel, but disarmed before she could carry

him to Sebastopol? This was the vessel in which a British Ambassador was conveyed, and which brought upon him another indignity on his first appearance. When lord Durham arrived, no salute was fired by the Russians; and their excuse was that they did not know the Pluto from a merchant vessel. But both before and since lord Durham went, Russian ships of war, with their guns out, and with their streamers flying, passed through the Black Sea to the Dardanelles, and again through the Dardanelles to the Black Sea. Now, what must be the effect of these circumstances on the minds of the very people whose good opinion it was important for us to retain, and in what other light could our conduct be regarded than as having its origin in our pusillanimity and weakness? In the first article of the treaty, "their majesties promised to have a mutual and unreserved understanding as to all objects which concerned their tranquillity and safety respectively, and to lend to each other for this purpose *matériel*, succours, and the most efficacious assistance." By the secret article of the treaty, however, it was provided, that as the Emperor of all the Russias wished to save the Sultan the inconvenience and expense which might result from lending such *matériel* succour, he would be content with the Sultan's closing the Dardanelles against the ships of war of all other nations whatever. He had little doubt that Russia contemplated the possibility of Turkey's being unable to shut up the Dardanelles. She said to her, "You must not allow any ships of war to pass through; you have signed a treaty with me, and if you cannot execute its provisions,

I have a right to put you in a situation to do so." Russia might at any moment demand the exclusion of our ships of war from the Dardanelles. Whenever she was at war, — and she was at war at this moment with the Circassians, an independent state, nay, it was enough if there was any disturbance in her empire, as there was lately at Moscow — she might call for the execution of the provisions of that treaty. The treaty, too, concluded at St. Petersburg, in January, 1834, between Russia and the Sultan, was only another proof of the perfidious and aggrandising spirit of the former. In the speech from the throne on 4th. Feb. 1834, the king of England had said; "the peace of Turkey, since the settlement that was made with Mehemet Ali, has not been interrupted, and will not, I trust, be threatened with any new danger. It will be my object to prevent any change in the relations of that empire with other powers, which might affect its future stability and independence." At the very time those words were delivered, the treaty of 29th. Jan., had been concluded, by which the Sultan sacrificed another portion of his dominions, and gave a ready entrance into the empire.

His Lordship farther maintained that the designs of Russia against this country were proved by the use which she made of Prussia as an instrument; for he asserted that the commercial treaty regarding import and export duties entered into by almost all the German States, and which had been supposed to be the work of the cabinet of Berlin, had been proposed, urged, and accomplished, by Prussia only at the dictation of the court of St. Petersburg. It was

the pleasure of Russia at present to raise Prussia, as being a useful tool, as she had raised Saxony and Denmark ; but the union could never have been made so extensive, if its true originator had not been a much greater power than Prussia. It was an error to suppose that it had any relation to a supposed plan to produce more union among the Germanic tribes. It was a Russian plan, and looked to what Russia had long contemplated, viz., not a Germanic, but a Slavonic union, under her own domination. She had been Muscovy ; she was now Russia ; she wished to be Sclavonia. When her purposes with Prussia were served, a pretext would soon be found for breaking the instrument, and after that Austria could not long resist. In another quarter, Russia had military stations within thirty miles of the coast of Norway. The district being favourable for making roads, her troops could easily be transported to any of the ports with which that coast was indented, almost all of which were capable of receiving line of battle ships. That country would supply excellent seamen, and abounded with timber of the best quality. Russia would then become a naval power of the first order, and might be joined by the Dutch or the Americans, to the manifest disadvantage of England. With a frontier already so far advanced, Italy was not safe from her grasp ; Greece, already subject to her influence, would become a province ; and she scarcely hesitated to menace even France. She must be resisted, therefore, not by arresting her progress on one point only, but on all ; by raising barriers in every quarter to which her ambition directed its aim ; by protecting

not only Turkey, but every nation whose security was threatened.

Lord Palmerston observed, in regard to the gradual territorial aggrandisement of Russia, that her acquisitions had almost invariably been made, when the other nations of Europe were occupied with wars among themselves. The best policy, therefore, to prevent farther aggrandisement, was that by which the peace of Europe would be best preserved. Of the importance of maintaining Turkey as an independent and prosperous nation, no men could be more deeply convinced than ministers were ; he believed that the same sentiment was shared by all other courts ; and the government of this country had omitted nothing by which that object might be secured. The treaty of Hoonkiar Skelessi, so far as it applied to the passage of the Dardanelles, was at present a dead letter, because by its very terms it was to have no force except in time of war, and although Russia was now at war with Circassia, that was not the sort of war contemplated by the treaty. The passage of the Dardanelles, therefore, stood exactly as it would have done, if no such treaty had been made. By very ancient treaties, British ships of commerce had a right to navigate the Turkish seas ; but the 11th article of the treaty of 1809 declared that it was the ancient practice of the Porte not to allow ships of war to pass through the strait of Constantinople ; and England on her part declared that she respected and acquiesced in that ancient privilege of the Porte. We had, therefore, no right to send our ships-of-war through the strait of Constantinople, except with the permission of the Turkish Govern-

ment; but that permission had been asked and obtained, whenever there existed sufficient reason. Neither had the treaty exposed this country to any indignity in the person of lord Durham. His lordship had gone through the Dardanelles up to Constantinople in a frigate, and at that very time there was a British frigate in the Black Sea which made a circuit of the whole coast. The ambassador did not proceed farther in the frigate merely because it happened that he had been preceded shortly before by Sir H. Ellis going on a special mission to Persia. That gentleman had embarked on board a steam vessel, which carried him through the Dardanelles to Trebisonde. The vessel then returned to Constantinople, whence it carried lord Durham to Odessa, being all the time in exactly the same state as when it left England. It was not heavily armed, because, as the baggage of the ambassador was necessarily very weighty, it would have been very unwise to overload the vessel; it carried his majesty's pennant, and none of its arrangements were of a nature to cast discredit on the flag of England. When the vessel reached Odessa, it was certainly true that, in consequence of a mistake on the part of the Captain of a Russian man of war, some delay occurred before salutes were exchanged. This arose, however, from mere mistake; for lord Durham was received by the authorities at Odessa with every mark of distinction, and in the most flattering manner, as the representative of the king of England. As to the papers called for by the motion he had no objection to produce the treaty of Hoonkar Skelessi, but he could not concede production of the

others. Government was not officially possessed of the treaty of St. Petersburg, and therefore could not supply it. The correspondence again, between this country, Russia, and Turkey relative to these treaties could not be produced without inconvenience to the public service, and would not answer any object which could be contemplated by the motion. With respect to the correspondence which had taken place three years ago on the subject of Poland, its production now might tend to irritate, and could not serve any useful purpose. On a former occasion a motion had been made to urge the government to protest against the change which had been made in the constitution of Poland, and its relation to Russia. On that occasion it was stated that the British government had remonstrated against the change, and had expressed an opinion that it was not consistent with the spirit of the treaty of Vienna. He now repeated that declaration. So far, therefore, as the opinion of the British government expressed to the Russian government on the subject went, the advantage of it had been gained; but no good could arise from publishing to the world, after an interval of three years, all the correspondence which might have passed between two Governments on a subject respecting which their opinion differed, especially as nothing had recently occurred to make the publication of this correspondence necessary.

Lord Palmerston, and the president of the board of trade, utterly rejected, likewise, lord Dudley Stuart's assertion that the German commercial union was a Russian invention, and directed against the trade of Britain. It was Prussian

views that lay at the foundation of that league ; but although Prussia had first conceived the plan, yet it was impossible to conceive that she could have prevailed on the other states to co-operate with her in carrying it into effect, unless they had found that it was their interest to do so. They had believed that it would be beneficial to all the states to get rid of the various impediments which the numerous custom-houses of the different princes opposed to their traffic, and to give greater freedom to the trade of the interior. It would have little effect, if any, either to the advantage or detriment of this country. Although the uniform scale, which it introduced, had raised the duties in some states, it had diminished them in others ; and when an average was struck, they would not be found to have been materially increased over all Germany ; while the great advantage had been gained of having to pass only one custom-house, and pay one duty, at the frontier, in order to carry our goods into every part of the country, instead of having to pass five, ten, or even fifteen in the interior. But whatever might be its effects, it was purely a German plan, not a Russian one.

Several other members expressed their sentiments, all agreeing that Turkey should be maintained ; that the trade of the Black Sea was important ; that Poland had been oppressed ; that Russia should be watched ; but that there was at present no reason for involving ourselves in a quarrel with her, and none of them suggesting specific measures any more than had been done by the noble mover, who remained satisfied with the papers which the foreign secretary had

expressed himself willing to give. Mr. P. M. Stuart, however, thought that the foreign secretary was either too blind as regarded Russia, or too confiding, and referred to his predictions regarding Poland. Lord Palmerston, in June, 1832, had expressed the very same opinion of the designs of Russia upon Poland which he now expressed with respect to the designs of Russia upon Turkey. He had said :—“ As to the idea which is entertained by some hon. gentlemen, of its being the intention of Russia to exterminate a large kingdom like Poland, either morally or politically, it is so utterly impracticable, that there need be no apprehension of its ever being attempted.” Since these words were spoken, Poland had been exterminated politically, and every exertion had been made to exterminate her morally.

The same member, Mr. P. M. Stewart, brought this subject again before the House on the 20th of April, justifying himself for renewing the discussion on the ground that, since the last debate, Russia had been guilty of new aggressions, and our commerce with the Euxine by the Danube had been actually interfered with. After entering into various details to shew the increasing importance of the trade with Turkey as an outlet for British manufactures, and of the transit trade which passed through it by Trebisond to Persia, he adverted to the absolute power, which Russia, by her present position, had acquired over the whole of this intercourse. She had obtained 200 miles of the Circassian coast along the Euxine ; she had obtained the Delta of the Danube, and the command of all the mouths of the river ; she held the fortress of Silistria upon its banks, pledged

for payment of the balance of the debt due to her by Turkey ; she had acquired the right, at least in certain circumstances, of shutting the Dardanelles. She had at Sebastopol a large fleet ready for service, containing ten sail of the line and eight frigates, besides corvettes, brigs, and steamers. At the same place, she had an army of 5,000 men ; 50,000 at Kioff ; about 30,000 in Bessarabia ; and a garrison of 7,000 men in Silistria. The object of Russia in assuming this bristled attitude in time of profound peace, was shewn by her laying hands on British shipping in the Danube, in spite of the provisions of treaties and the representations of England. In direct violation of treaties which declared that the navigation of the Danube should be free to ships of all nations, Russia had extorted tribute from British vessels passing down that river, and she was putting a stop to the trade not merely of England, but of the whole of central Europe on that magnificent stream by wilful neglect to cleanse its channel, which would soon be so filled up that a Thames punt could not cross it. He believed that vessels had gone out, and were going out, with instructions from their owners not to submit to the demands of Russia ; and unless the House expressed such an opinion as would make Russia pause in her audacious career, he was certain that 5,000 tons of our shipping would be sent to Odessa to do penance. Mr. Stewart concluded with moving, That an address should be presented to his majesty, praying him to adopt such measures as might seem best fitted to protect and extend the commercial interests of Great Britain in Turkey and the Euxine, and like-

wise to send a diplomatic agent forthwith to the free and independent state of Cracow. The motion was seconded by admiral sir Edward Codrington, who urged the necessity of immediately arming, as an expedient which had always been successful in checking aggression ; while, if we did not, we would only lead Russia on from one encroachment upon our rights to another, and lose those allies whom an earlier display of such a determination would have retained in our interest. The great reason, why Turkey had thrown herself into the arms of Russia, was her apprehension of the Viceroy of Egypt. Now, with a large fleet contiguous to his arsenal, England might easily say to him, " You shall go no farther ; here you must stop." He knew this could be done, for he had had some experience in the matter. When he was directed to compel the evacuation of the Morea, the viceroy was ordered by the Porte to resist the evacuation at the risk of his head, and he was so situated, when he (sir E. Codrington) threatened his arsenal if he did not depart, that, between the two, he was very much puzzled. He warned him, however, what would be the consequence to his arsenal and barracks if he refused, and the result was that he thought it prudent to yield. The same means which had been employed to dictate terms in one case would do again. If we sent a fleet into the Euxine, and exacted reparation, as we ought to do, all danger of war would disappear.

Lord Palmerston informed the House that government had already adopted the resolution of sending a consular agent to Cracow, so that this part of the proposed

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as was unnecessary; and he ended, in regard to it, that no had been made out for calling parliament to interfere with expression of opinion, as if believed that the advisers of crown had neglected, or were sly to neglect, what they owed the interests and honour of the untry. Government entirely incurred in the importance of maintaining and extending the commercial relations of Great Britain with Turkey, Persia, and the neighbouring countries; but nothing had happened to check or to confine them. Within a few years the trade with Turkey had greatly increased; yet, during a part at least of that period, Turkey, so far from enjoying profound peace, or secure independence, had been disturbed by internal war, and its political relations altogether had been unfavourable to commerce. The same observation applied to the trade with Persia. There might have been reason in the present motion, if an important branch of commerce had been falling off through the neglect of the government: but when it was one which had been increasing, and that too, under unfavourable circumstances, admonition was unnecessary, and the censure, which would be implied in agreeing to the proposed address, was undeserved. There were not any grounds in the state of Turkey, or the proceedings of Russia, which called on us to take any step, or which could justify the interference of parliament. There could be no doubt that, by the treaty of Vienna, the navigation of the Danube was free to the commerce of all countries in Europe. The 108th section of the treaty

provided, that all navigable rivers should be free to the commerce of all nations; while another section provided that "the powers, whose states were separated or traversed by the same navigable river, engaged to regulate, by common consent, all that regarded its navigation." For this purpose they undertook to name commissioners to regulate all matters concerning the details of the navigation, and to fix the amount of tolls, &c. Now, the Danube was a river fully within that description; and although Turkey was not a party to the treaty, still it came under the provisions of that section of that treaty. We had suffered no wrong as yet, and in dealing with foreign nations, it was not prudent to anticipate injuries at their hands; it was enough to deal with events, when they had occurred. With regard to the trade of Trebisonde, the utmost attention had been paid to it, a consul having been appointed three or four years ago. Government were likewise endeavouring at present to negotiate a commercial treaty, and he was not without hope of accomplishing that object. Until last year, the diplomatic relations of this country with Persia were represented by a person having direct communication with majesty's government; but now diplomatic agent in Persia was officer of the crown—a much fitter agent than the servant of India Company. It was true, some time ago, a Russian occupied a station at that time Constantinople, but they had returned to the Russian dominions and though some troops were in Silistria, he could state definitely that an arrangement be effected between the

countries on the payment of the debt due to Russia.

Members of all parties expressed their opinions against any thing being done which might tend to an interruption of peace, and against the motion as having no other tendency, if it had any. Even the radicals disclaimed all warlike propensities: Mr. Warburton declaring that he could not think of going to war for the sake of Poland, and Mr. Roebuck maintaining that Britain, taking advantage of her favourable and isolated situation, ought to treat the balance of power as idle nonsense, and abstain from interfering in European politics till we were ourselves attacked. He regretted, therefore, that any intention was entertained of sending an agent to Cracow, which could not be more acceptable to Russia than it would be to us to find the Emperor Nicholas sending a diplomatic agent to some of the rajahs under British control in India. Sir Robert Peel gave his unqualified opposition to both parts of the motion. If that part of it which regarded Cracow were carried, it would be the first instance of such an interference on the part of the house with the exercise of diplomatic functions. It was no necessary indication of hostility to refuse to receive a diplomatic agent; it might be a mark of general unfriendliness, but formed no ground for a declaration of war. The house had no means of ascertaining whether the mission would be agreeable to the state concerned, or whether the agent would be received; and they surely would not advise the mission, without knowing whether it would be acceptable, or whether it might not be regarded as little less than an insult. The other ob-

ject of the address was, "that his majesty will also be graciously pleased to take such steps as to his majesty may seem best adapted to protect and extend the commercial interests of Great Britain in Turkey and the Euxine." Was it not the duty of government, not only in the Euxine sea, but with respect to the universal commercial interests of the country, to protect and extend trade? He would not select any one part of the globe, and give advice to his majesty to extend and protect our commerce there; but he would say it was the universal right and duty of the crown to extend and protect the traffic of the country. If the house believed the government to be neglectful of this duty, and could not confide in them, a motion should be made, expressly calling for the removal of ministers; and the crown should be advised to confide the trust to other hands. But he could not consent to a motion to instruct government relative to a special instance of its executive duty, and yet say that an administration so remiss was fit to be intrusted with the execution of that instruction. Much had been said of the aggressions of Russia; but if the house was to interfere in aid of the executive government, they ought at least to have proof of the necessity of doing so. He certainly would not take the speech of any member of parliament as such proof. Before taking the first step that approximated him to hostile movement, he must have demonstration clear as day that such a proceeding was required. He must have direct evidence; he must have the treaty—he must compare the alleged infraction of it with its provisions—he must de-

termine the character of that aggression; and then he would not content himself with calling on the king to take such steps as might seem to him best adapted to extend and promote the general interests of our commerce, but he would tell the throne, and the house, that an injustice had been done to England, and that reparation had been refused; and he knew that the house would assure the king of their determination to support him in his demand for justice. Such was the course, which a House of Commons, representing the people of England, ought to pursue, when it was satisfied that its interposition was called for; but if they contented themselves with seeming to interfere, and with calling in the aid of menace on slight occasions, then when the day of real danger came, the views of the house would not have that weight and authority throughout Europe which they ought to possess. If they were resolved to interpose, let them not only interpose directly, and state their specific object, but let them state to what extent they would relieve government of the responsibility, and what was the share of responsibility they were willing to assume. There was no intermediate step between leaving the matter in the hands of the executive government and coming forward immediately with a vote expressive of want of confidence in them. To a general resolution, indicative of a desire to have war on a small scale, or to try the effect of menace, in the hope that we should escape with menace, he never could consent to be a party. It was not only that he thought the honour and dignity of the country were involved

in this question, but he likewise believed that the interests of humanity were at stake; and so long as peace could be maintained, the British nation ought to set the civilised world the example of maintaining it. At the same time, he should be the first to say, if a foreign power either insulted or injured us in any essential interest, and refused reparation, or mocked us by mere worthless concessions, it would be then for the interests of England and of humanity that England should assume her proper attitude and station, and having used every effort to procure redress, should then have recourse to that alternative, which, after all, was one of the greatest calamities that could befall a people. Mr. Stewart withdrew his resolution.

On the 31st of May, Mr. Duncombe, one of the members for Finsbury, a gentleman whose opinions entitled him to rank in the extremest class of liberal politicians, moved an address to the king, praying his majesty to use his good offices with the king of the French to procure the liberation of prince Polignac, and those of his colleagues, who were still confined in the fortress of Ham. He thought them entitled to their liberty both in justice and humanity. The revolution of 1830 had been made for the purpose of fixing the liberties of France on the secure basis of a constitutional charter; but he could not find in that charter this double responsibility by which a king might be dethroned, at the same time that his ministers were impeached. On the adoption of such a course many persons had begun to suspect that the advantages of this boasted revolution must be exaggerated, and that the punish-

ment of the ministers was oppressive and unjust. If vengeance was not the sole motive which dictated this rigour, what advantages were gained by a continuance of their imprisonment, or what dangers were to be apprehended from their liberation? Even if liberty were restored to Prince Polignac and his companions in misfortune, such was the condition to which they were reduced by infirmity and disease, generated by the pestilential atmosphere of their prison, that all they could hope for was to be permitted to conclude in peace, but in the enjoyment of liberty and the society of their friends, those few days of their existence that would remain to them. It was notorious that the fortress of Ham was situated in the most unhealthy part of France. It appeared, however, that the inconveniences of its position were not considered a sufficient punishment, as a smaller prison had been erected within it, in which the prisoners were confined. They had no opportunity of exercise, except upon an elevated terrace about thirty paces in length, exposed to the cold in winter, and with no shelter from the heat in summer. They were obliged to take their meals alone, and though some persons were occasionally admitted to visit them, yet at five o'clock every day they were re-committed to their dungeons; and under no circumstances of affliction or sickness was any one allowed to approach them to alleviate their distress. Was persecution like this necessary to the ends of national justice! Did it not savour much more of revenge? Neither was his proposition without precedent. In 1794, Mr. Fitzpatrick

moved for an address to the crown in favour of general Lafayette and others, confined in the prisons of our ally the king of Prussia. The proposal was warmly supported by Mr. Grey, Mr. Wilberforce, Mr. Whitbread, Mr. Sheridan, and Mr. Fox. The latter gentleman, on that occasion, in answer to some arguments advanced relative to the inexpediency of interference, maintained what was peculiarly applicable to this case, that "the customs of civilized nations presented no obstacle to our interposition. In the case of Sir Charles Asgill, private applications were made from this country to a court with which we were then at war." What, then, was to prevent his majesty from using his good offices in a case which had such strong claims on humanity as the present? It was true that the motion of general Fitzpatrick was not carried; but it failed in consequence of the disturbed aspect which public affairs were then assuming throughout Europe. War was kindling in every quarter; the principles of Lafayette were not so popular as at the present day, and therefore an opportunity was gladly seized to control their influence by the detention of his person. At present peace pervaded the continent, and were it not for the dungeons of Ham, little would be left to call to recollection the confusion that was past.

Not only ministers, but likewise the unanimous opinion of the House, while they did justice to the motives in which the proposition originated, and agreed that the liberation of the prisoners would be the most becoming course for France to follow, were opposed to the address as an unjustifiable in-

terference in the domestic affairs of another country, which might even tend, by exciting jealousy and injuring self-love, to prevent the good it was intended to accomplish. If the precedent were established, there were many other instances in which it must be followed—instances of severe punishments inflicted, not for having issued ordinances destructive of freedom, but for having acted or spoken in the cause of liberty. It was observed, that the case of Lafayette was totally different from the present in all essential particulars. Lafayette and his officers, having passed from the French army, with the intention of retiring into Holland, fell in with the advanced post of the Austrians, and were detained in confinement as prisoners of war. In the discussion which afterwards followed on general Fitzpatrick's motion in the House of Commons, Mr. Fox expressly stated, that he supported the motion because general Lafayette was not a subject either of the king of Prussia, or of the emperor of Austria—because he had not violated any laws which he was bound to preserve—because he was a mere prisoner of war—and because we, as allies in war to the power which had captured him, were entitled to intercede in his favour. The present case, however, was totally different; for it was the case of subjects of another country, tried for offences against the laws of their country, adjudged to punishment by the legal authorities of that country, and suffering at present under punishment, deemed by those authorities appropriate to their offences. If we were to set the example of interference in such a case, it might be inconveniently retorted upon us; and if there was

one principle which public men in this country had held more sacred than another, it was this—that it should not be permitted to any foreign government to interfere, directly or indirectly, in the internal affairs of England, and that neither with laws which we proposed to pass, nor with the execution of laws which we had already passed, should any foreign government presume to meddle. Mr. Duncombe, satisfied with the sentiments which had been expressed, withdrew his motion.

When the new kingdom of Greece was established in the person of a prince of the house of Bavaria, Great Britain, France, and Russia, had agreed by treaty to guarantee a loan of 60,000,000 of francs for the use of the young monarchy. Two instalments had been already paid, each of them being 20,000,000 francs. Greece, on the other hand, had undertaken certain obligations in relation to her revenue, and its application; and Russia, on the ground that these obligations had not been fulfilled, refused to concur in raising the third instalment. The consequence was, that ministers found it necessary to introduce a bill for authorising the advance of the money by this country alone. Lord Palmerston stated, that Greece had not derived, even from the first instalments, the benefit which had been contemplated; for as it was thought expedient, in 1830, to acquire from Turkey, by purchase, a large addition of territory to the intended kingdom, a large portion of these instalments, about 11,000,000 francs had been applied in paying the price. In the course of last year, the revenues of the Greek government had fallen short of the requisite ex-

penditure, and it thus became necessary to the service of the state, that advances should be made on account of the third instalment. Such an application had been by no means unforeseen, because the members of the conference had never expected, that by this time the income and expenditure of Greece would balance each other. The conference, however, had called on the Greek government to prove the necessity; and the Greek government had shewn satisfactorily, that, in the present year, there would be a deficiency of 4,000,000 francs, in addition to a deficiency of 2,000,000, which remained over from a former year; so that an advance of 6,000,000 francs would be absolutely necessary. The governments of France and England concurred in thinking that this sum ought to be provided, but the government of Russia thought otherwise. The latter had first declined to concur in any advance, and had afterwards proposed, not that 6,000,000 should be immediately issued on the guarantee of the three powers, but that each of them should guarantee 2,500,000 francs, to be paid each year, which would cover the interest and sinking funds on the 40,000,000 already advanced. France and England did not think this proposal fair towards Greece, or in accordance with the spirit of the treaty: it would give Greece the benefit of only 40,000,000 instead of 60,000,000; it would leave her in insolvency, for it would leave her with only 2,500,000 to cover the deficiency of 6,000,000, which must be met during the present year. Other measures must thus be had recourse to, but it was doubtful whether, under the act of parliament, by virtue of which the

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crown executed the treaty, the English Government, even in conjunction with that of France, could do anything without the concurrence of Russia. The present bill, therefore, became necessary, not to increase the liabilities of the country, but merely to release England from being bound to go, step by step, with Russia, and to enable her to guarantee, without the concurrence even of France, the one-third of the whole sum of 60,000,000, for which she had agreed to become bound in 1832. No new burden would be laid on the finances of the country. The revenues of Greece had progressively increased, while her expenditure had considerably diminished. The expenditure in 1833 had been 13,000,000; in 1834, in consequence of peculiar and painful circumstances, it had risen to 20,000,000; it had fallen back to 16,000,000 in 1835; and it was estimated for the present year at 15,000,000. The returns of revenue for the year 1832 were not complete: but in 1833 it amounted to 7,000,000; in 1834 to 9,400,000; and in 1835 to 10,700,000; and the estimated revenue of the present year was 11,300,000. Another test of the increase of revenue was to be found in the increase of foreign commerce. He had no means of ascertaining the total returns of the commerce with Greece; but the consul at Patras had furnished an account of the commerce at that port, which shewed the following result. In the year 1831, the amount of British tonnage which entered the port of Patras, was 8 ships, 1,000 tons; in 1832, 20 ships, 3,000 tons; in 1833, 22 ships, 3,600 tons; in 1834, 28 ships, 4,000 tons; and in 1835, 31 ships, 4,500 tons; and he

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whole value of imports into Greece rose from the amount of 535*l.* in the first-mentioned year, to 30,077*l.* in the last year. The exports from Greece amounted, in the first year, to 33,000*l.*, and during the following years increased respectively to 38,000*l.*, 48,000*l.*, 73,000*l.*; until, in the year 1835, they amounted to 117,000*l.* Looking to these results, he thought that if the government of Greece was enabled to carry on its administration with order and regularity, to pay its troops, to maintain its civil service, to establish tribunals, and to cause the laws to be executed, parliament was justified in assuming that its revenues would improve, and that a sufficient surplus would arise to pay the loan, and thereby to relieve the three contracting powers from any charge. But even if any man entertained a doubt on the subject, that doubt should not lead him to refuse to the government of Greece the advance necessary to cover the expenses of the present year, without which that country would fall back into the state of anarchy and confusion from which it had been raised.

This measure encountered a good deal of opposition, and not least from the ordinary supporters of ministers. By some it was held that Russia was right; that Greece had solemnly bound herself to the three powers, when the guarantee of this loan was undertaken, that the revenues should be applied, before any other appropriation, to the payment of the interest; and the treaty itself provided that the ambassadors of the contracting parties should watch over this appropriation. This condition had been violated; the revenues of Greece

had not been so applied; no account was given how they had been applied. This failure on the part of Greece itself, in an essential condition, absolved all the parties to the treaty of 1832; and even if the forfeiture were not pushed so far, there ought to be good security that Greece would be more faithful to her engagements in future, whereas the state of the country held out no prospect that she would be able to do so. Others opposed the grant, on the ground that it would only go to support, for a short time longer, a monarchical government, which the Greeks hated, instead of a free federative commonwealth. Bavaria maintained its domination only by military force; there was not the shadow of freedom, independence, or nationality in the country. Others were against the payment, because they believed that the money would only be used to advance the purposes of the Russian faction. Russia had already been a great gainer by this loan; for when the House found that eight million francs of the second instalment were not appropriated to the financial purposes of Greece, but to the payment of a sum to Turkey in return for cessions of territory made by the latter, and that at the same time Turkey was paying the stipulated indemnity to Russia for the expenses of the late war between them, they could not doubt that the 8,000,000 francs found their way into the Russian treasury. The resolution, however, moved by Lord Palmerston (July 28), that his majesty should be authorised to guarantee the portion to which this country was liable, of the third and last instalment of the loan to be advanced to the king of Greece, was carried by a majority of 81 against 40. The bill, founded on

the resolution encountered, in some of its stages, the same objections which had been stated against the resolution itself, but it passed without any violent or determined opposition; a strong feeling being entertained, that, as the raising of the money seemed to be indispensable, unless the existing government of Greece was to be dissolved, and the country again given up to civil broils, the latter was an alternative not to be hastily adopted. In the House of Lords, the duke of Wellington, while he admitted, that the measure was necessary, thought that the necessity was an unfortunate one for this country, and might have been avoided. It did not appear to him that proper measures had been taken to obtain the concurrence of Russia. The first demand made by Greece had been for 3,000,000*l*. Why was not a strong effort made to obtain the consent of Russia to make the advance of her share of this sum? Why was Russia left out of that part of the negotiation? Or any encouragement given to leave any part of the sum due in her hands? If Russia had been called on for her portion, it would have amounted very nearly to the sum which this country was about to advance under existing circumstances; and the consequence would have been this—that the three powers would now be placed on precisely the same footing—which was the situation in which they ought to stand. But how would it be hereafter? Great Britain would be a creditor of Greece to the amount of 20,000,000 francs, with a claim on the resources of Greece, which must, and would, be pressed for the interest and sinking fund of that amount of debt. Russia, on the other side, would have in hand the third part

of 20,000,000 francs, to issue to Greece whenever, and under whatever circumstances, she thought proper. France was placed in a similar situation. He did not mean to speak with any jealous feeling of France or Russia; but they certainly would stand in a more desirable relation towards Greece, having always the power of conferring a benefit, than that which would be occupied by this country, who could only be a creditor pressing for payment of a debt.

The passing of this bill was one of the last measures of the session, which his majesty in person closed on the 20th August, with the following speech:

*“ My Lords and Gentlemen,*

“ The state of the public business enables me at length to relieve you from further attendance in Parliament; and in terminating your labours, I have again to acknowledge the zeal with which you have applied yourselves to the public business, and the attention which you have bestowed upon the important subjects which I brought under your consideration at the opening of the session.

“ The assurances of friendly dispositions which I receive from all Foreign Powers enable me to congratulate you upon the prospect that peace will continue undisturbed.

“ I lament deeply that the internal state of Spain still renders that country the only exception to the general tranquillity of Europe, and I regret that the hopes, which have been entertained of the termination of the civil war, have not hitherto been realized.

“ In fulfilment of the engagements which I contracted by the Treaty of Quadruple Alliance, I have afforded to the Queen of

Spain the co-operation of a part of my naval force, and I continue to look with unabated solicitude to the restoration of that internal peace in Spain, which was one of the main objects of the Quadruple Treaty, and which is so essential to the interest of all Europe.

"I am happy to be able to inform you that my endeavours to remove the misunderstanding, which had arisen between France and the United States, have been crowned with complete success. The good offices, which for that purpose I tendered to the two Governments, were accepted by both in the most frank and conciliatory spirit; and the relations of friendship have been re-established between them in a manner satisfactory and honourable to both parties.

"I trust that this circumstance will tend to draw still closer the ties which connect this country with two great and friendly nations.

"I have regarded with interest your deliberations upon the reports of the commission appointed to consider the state of the dioceses in England and Wales, and I have cheerfully given my assent to the measures, which have been presented to me, for carrying into effect some of their most important recommendations.

"It is with no ordinary satisfaction that I have learned that you have with great labour brought to maturity enactments upon the difficult subject of tithes in England and Wales, which will, I trust, prove in their operation equitable to all the interests concerned, and generally beneficial in their results.

"The passing of the acts for civil registration and for marriages in England has afforded me much satisfaction. Their provisions have

been framed upon those large principles of religious freedom, which, with a due regard to the welfare of the Established Church in this country, I have always been desirous of maintaining and promoting; and they will also conduce to the greater certainty of titles and to the stability of property.

"It has been to me a source of the most lively gratification to observe the tranquillity which has prevailed, and the diminution of crimes which has lately taken place in Ireland. I trust that perseverance in a just and impartial system of government will encourage this good disposition, and enable that country to develope her great national resources.

*"Gentlemen of the House  
of Commons,*

"I thank you for the liberality with which you have voted, not only the ordinary supplies of the year, but the additional sums required to provide for an increase in my naval force.

"I am also gratified to perceive that you have made provision for the full amount of the compensation awarded to the owners of slaves in my colonial possessions, and that the obligations entered into by the Legislature have thus been strictly fulfilled.

"The increased productiveness of the public revenue has enabled you to meet those charges, and at the same time to repeal or reduce taxes, of which some were injurious in their effects upon my people, and others unequal in their pressure upon various parts of my dominions abroad.

"The present condition of manufactures and commerce affords a subject of congratulation, provided the activity which prevails be guarded by that caution and pru-

dence which experience has proved to be necessary to stable prosperity.

*My Lords and Gentlemen,*

“The advanced period of the year, and the length of time during which you have been engaged in public affairs, must render you desirous of returning to your respective countries. You will there resume those duties which are in im-

portance inferior only to your legislative functions; and your influence and example will greatly conduce to the maintenance of tranquillity, the encouragement of industry, and the confirmation of those moral and religious habits and principles, which are essential to the well-being of every community.”

## CHAP. IX.

IRELAND.—*Exchequer Proceedings for Tithes—Municipal Reform—and the Peers—Formation of the General National Association—Resolutions regarding Tithes—Tithe Affray—Poor Laws—UPPER CANADA.—Opening of the Session—Proceedings and Demands of the House of Assembly—Disputes between the Governor and his Council—Resignation of the Council—Addresses of the House of Assembly—The Supplies Stopped—Prorogation and Dissolution—Defeat of the Reformers—New Session—LOWER CANADA.—Demands of the French Party—Proceedings of the Governor—Address of the House of Assembly to the King—Refusal to Vote the Civil List—Prorogation—New Session—Answer to the Address of the House of Assembly—The House insists on its Demands, and refuses the Civil List—Prorogation—JAMAICA.—Police Bill—Act in Aid—Message of the Governor, voted a Breach of Privilege by the House of Assembly—Prorogation—New Session—The House of Assembly adhere to the Question of Privilege—Prorogation—New Session—Breach of Privilege Admitted—Address of the House of Assembly to the King—Change of Governors.*

**A**LTHOUGH the royal speech at the close of the session announced that tranquillity prevailed, and crimes had diminished in Ireland, that part of the empire presented no picture of political tranquillity, except in so far as a country is tranquil, which is not in open rebellion. The agitators were again at their work, forming their societies and combinations, abusing the ignorance of uneducated multitudes, and arming, if not the hands, at least all the angry passions of one class against another. A new ingredient, moreover, was now added to the hell-broth; the question of

municipal corporations threatened to take the place of the abolition of tithes. During the present year, in fact, the condition of the clergy in regard to their tithes, had greatly improved. At the end of 1835, a lay association had been formed in Ireland to enable the clergy to enforce their rights by such means as the law afforded. A legal process of the court of exchequer was thus put into operation, far more stringent than the open force which hitherto had been the only means, generally the unsuccessful means, and sometimes the unhappy means of enforcing payment. The great

obstacle opposed to the clergy using legal remedies, lay in the difficulty, which had gradually become an impossibility of serving the process on the debtor. Without service there could be no decree; and the probable fate of the officer who should attempt to serve or to distrain was, that he would be murdered, or, at all events, prevented by brute violence from performing his duty. To lend him the aid of a military force, or even of the police, was called a waging of war against poor and honest men. The constable or soldier, who had been compelled to use force to protect his own life in defending and enforcing the law, was hunted down as a monster and a murderer; while the criminal, who had suffered injury in setting at defiance the law of the land, and the rights of others, and who had engaged in the contest with the deliberate purpose of effecting his crime even by shedding blood, was consoled and bewailed as a martyred saint. Crime and virtue had changed their denominations in Ireland. The virtuous and tranquil citizen was he who trampled the law under foot; the man, who did his best to maintain it, was the unpardonable criminal. The necessities of the existing government unfortunately drove them into the arms of the professors of this new code of civil and moral duty. The papists of Ireland were resolved to abolish tithes by law, if they could; till they could accomplish this purpose, they were determined to abolish them practically, contrary to law; without the aid of the popish party, the whig ministers could not retain office; therefore it was thought proper to withhold all assistance of

the civil or military power from clergymen seeking recovery of their tithes. In other words, the force, which existed to maintain the law, was directed not to interfere to prevent its daily and hourly violation.

It was under this system that the Irish clergy had become, as it were, outlaws, possessed, indeed, of rights which all men acknowledge, but which the brute force of the popish population was allowed to prohibit them from exercising. In the beginning of the year, however, a power was brought into operation, which, being a power of the law itself, was found to the dismay of the agitators, to be stronger than the mandates of their allies in the cabinet. The clergyman filed his bill for an account of his tithes in the court of exchequer. On affidavit, that process could not be served with any regard to the personal safety of those engaged in it, a substitution of service was granted, by which it was ordered to be held sufficient service that notices had been posted up in some place specified in the deliverance of the court, and written notices sent by post. The defendants were then subject to the jurisdiction of the court of exchequer. If they did not enter an appearance, or when the decree was made for payment, and was not obeyed, the plaintiff had the aid of the process of the Court of Exchequer; and that process issued, not in the form of a warrant to distrain property which it was dangerous to attack, and which nobody would purchase, but in the form of a writ of rebellion to arrest the person, and lodge the debtor in the jail of the court, till he had obeyed the judgment. The effect of the

proceeding depended on the execution of this writ; and as it was the writ of a superior court, all sheriffs, magistrates, and officers of the police or constabulary force, were bound to assist in its execution, under the penalty of being themselves committed. The officers of the law, however, continuing to act under the instructions of their superiors, refused their assistance, and the question was thus raised, whether the executive government had power to suspend the writs of a superior court. The archdeacon of Killaloe having adopted proceedings in the exchequer against certain tithe defaulters, a writ of rebellion issued. A chief constable of the police force was applied to for his assistance in executing the writ; he refused, and his refusal was approved of by the inspector of the constabulary force in the province of Munster, who again, acted under the directions of the Irish government. The court of exchequer immediately granted an attachment against these officers, stating that if they could shift the blame upon another, the court would grant an attachment against that person whoever he might be.

The judges of the court of exchequer, and the law which they were administering, were forthwith assailed with unmeasured abuse, in the House of Commons, by O'Connell and his associates. These men, who again and again had called for contributions from their countrymen, to defend parties who might be prosecuted for tithes, had the audacity to denounce the Lay Association as an illegal body, because it lent pecuniary aid to clergymen adopting legal proceedings. They main-

tained that the writ of rebellion was a process obsolete in Ireland, and abolished in England, in both of which points they were told they were wrong in their law. They inveighed against the oppression of a plaintiff visiting a tithe debtor with the costs of an equity suit in exchequer, to recover a few pounds, or even a few shillings; forgetting that the tithe debtor and his friends had made the adoption of this remedy unavoidable by rendering all others unavailing. They attacked the integrity of the judges, accusing them of having revived this process not for the ends of justice, but for purposes of vengeance, and of having pronounced their judgments from purely political considerations. Even the attorney-general for Ireland, while he admitted that the process existed, considered its present exercise objectionable as a precedent; yet of all judgments, that assuredly would be the most political by which a court, from considerations connected with the politics of the day, would refuse to exercise, at the request of a suitor, a power conferred upon it for the purpose of protecting the rights of all suitors. The venom, indeed, which was vented against the law and the judges on this occasion, was the plainest proof that it was with the effects of this jurisdiction that the agitators quarrelled. Here was a mode of enforcing tithe, efficacious in itself, agreeable to law, and free from the dangers and collisions with which they themselves had surrounded the more usual remedies of distress and sale, and the processes which had to precede or accompany them: but it was precisely these characters which rendered it most intolerable in their

eyes. Their object being, not that tithe should be exacted in such a manner as would prevent tumultuous assemblages, physical resistance, and the probability of bloodshed, but that no power should exist capable of compelling payment by any means whatever, a process, which recovered the debt both effectually and quietly, was the very last to which they could be reconciled. They would infinitely have preferred mortal combats between the peasantry on the one hand, and process-servers or tithe-proctors and their assistants on the other, to the tranquil execution of the writ of rebellion, which, compelling the officers of the law to maintain the supremacy of the law, at once transferred the person of the recusant debtor to the marshalsea in Dublin.

To try the question of law, the case of the archdeacon of Killaloe was carried by appeal to the House of Lords. When it came on for hearing, on the 11th August, a few days before the close of the session, the lord chancellor stated, that as it was a case which appeared to turn on some purely legal questions, and the interpretation of acts of parliament, it would be desirable that the house should have the assistance of the judges. As the attendance of any considerable number of the judges could not be obtained at that season of the year, the hearing of the cause was adjourned till the next session. In the meantime the jurisdiction of the court of exchequer was called into constant exercise, and was generally successful. Even debtors, who allowed proceedings to go so far as arrest under the writ of rebellion, paid their tithes and costs after a short imprisonment; a much

greater number, when they once were convinced that such a power was in operation, made payment before extreme measures had been adopted; and a third class, who had been kept back from discharging their debts only by the intimidation which was directed equally against those who paid, and those who received, tithes, were furnished with a reason for doing what they had always been willing to do. Some of the more distinguished anti-tithe agitators themselves found it necessary to submit; for a court of equity possessed remedies in regard to the property of defendants, besides the power which it might exercise over their persons. A decree for two years tithe having been given against Mr. Sheil, that learned gentleman, while he admitted the debt to be due, refused to pay it upon the pretext, that to do so would cost him his seat for the county of Tipperary. But although parliamentary privilege protected his person, it did not reach his property; and the court of exchequer made a conditional order for the appointment of a receiver, in order to draw out of the rents of his estate the arrears of tithe. Mr. Otway Cave, his colleague in the representation of Tipperary, likewise found it necessary to make payment; and Tipperary was precisely the county in which the collection of tithe had been considered most hopeless.

The clergy were thus placed in a better situation than they had found themselves in for the last three or four years; but these proceedings likewise shewed how extensively the conspiracy had spread, and how completely physical resistance to the law had be-

come the ordinary habit of thinking and of acting throughout great part of the country. Every affidavit, on which an application for substitution of service, or a writ of assistance proceeded, was a history of violence and intimidation. Thus, in a suit at the instance of the rector of a benefice in the county of Cork, the affidavit of the process-server stated, that when about to serve one of the defendants with the subpoena, six men came from an adjoining field, collared him, and searched his pockets, from which they extracted some papers, but not finding the subpoena, they returned the papers, and warned him, on pain of death, never to make his appearance in the parish again. A great concourse of people had likewise assembled in the roads and in the fields adjacent, for the purpose, as he believed, of intimidating him. He then proceeded to serve another of the defendants, in another part of that parish; he was followed and abused—desired never again to attempt to serve writs in the parish, because the parishioners would not allow it to be done,—and informed, that if he attempted to do so, his life would be in danger. In consequence of the bodily injury which he received, and being apprehensive of further ill-treatment, he had to leave the parish without effecting the service of the writs. The attorney for the plaintiff also made affidavit, that he had gone to certain villages in Cork, for the purpose of procuring some persons who would undertake to serve subpoenas in tithe causes, but he could not get any person to comply with his directions, although he offered a reward of 35*l.* to any one who would attempt it. After great exertion he succeeded in procuring a

person who had formerly been a police officer, but he, too, was so intimidated and apprehensive of danger, that he declined proceeding. The rector of Rathbogue, in the county of Tipperary, set forth in his affidavit, that a violent and lawless combination prevailed in the parish, in consequence of which he could not procure or prevail upon any person even to make an attempt at serving the defendants, and that he had been therefore obliged to file the bill. He had employed persons to effect service of subpoenas upon other defendants in adjoining parishes, but they were assailed and followed by a large and tumultuous assemblage of persons, who surrounded his house, shouting and bellowing, “No tithes,” and threatening the process-servers with violence. From his knowledge of the parish of Rathbogue and the surrounding parishes, and of the spirit of combination prevailing there against tithes, any person, who endeavoured to effect service upon the defendants for tithe composition, would incur personal danger, if not loss of life, unless assisted by a sufficient police force; and he would not allow any person to make the vain and dangerous attempt to serve tithe subpoenas at his suit, without the assistance which the circumstances of the case required. Every case disclosed similar scenes; so that, in this respect the tranquillity of Ireland was that which is produced, when the oppressor has bound and gagged his victim, and the struggle of resistance has terminated in the triumph of crime.

The wrath, to which the leaders of the popish party were excited by the appearance of any possibility of the payment of tithe being enforced, was aggravated by the refusal of

the House of Lords to create, by passing the ministerial municipal bill for Ireland, a mass of Catholic corporations, of which there was every reason to apprehend that, while they would have few or no useful duties to discharge as machines for municipal government, they would become powerful and legalised engines for working out the great object of the popish priesthood—the destruction of the Protestant church. In the eyes of the agitators, the value of such institutions did not consist in the mere establishment of their favourite dogma, that Ireland was entitled to have every thing which existed in England or Scotland, but in the instruments which they would furnish for moving the whole population in the direction which their own political objects might require. On the 17th of May, the House of Lords rejected the clauses of the bill which went to re-construct the Irish corporations. On the 18th, Mr. O'Connell put forth a letter “To the people of England,” the object of which he declared to be to rouse the inhabitants of Britain to shew their gratitude to Ireland for the aid which she had lent them in carrying the Reform Act, by destroying the character and rights of the House of Lords. “I wish to know,” said he, “whether the British people are ready to submit, in quiet and without remonstrance, to the irresponsible, and therefore despotic, authority of that assembly, or will they now join with me to make the union real, by insisting, in a voice too distinct to be misunderstood, and too loud to be neglected, upon an organic change in that assembly, such as has become absolutely necessary for the consolidation of a real union between both countries,

and for the advancement of good government in each.” He told them that, even if they did not regard Ireland, the reform of the Lords, as he termed it, was indispensable to the welfare of Britain; for, without it, Britain would never gain an extension of the elective franchise, or short parliaments, or vote by ballot, while he forgot to mention, in regard to all these matters, although he seemed to consider them as the great elements of political amelioration, that the ministers, whom he supported, thought they ought to be refused by the Commons as well as by the Lords. His logic in regard to Ireland was simply this:—England and Scotland have corporations of a particular kind, therefore Ireland ought to have them too—a mode of argument which assumed the whole question. But what was wanting in argument was abundantly supplied by abusive assertion and personal virulence. The Lords had acted “scandalously, insultingly, and basely,” they had treated Ireland with “brutal scoffing.” They “insolently degrade us beneath the people of Scotland and of England, and they laugh to scorn the just indignation that boils in our blood, and almost bursts into action, at this gross, this unmerited, this tyrannical insult.” Ireland, he declared, would not submit to “the execrable tyranny and injustice” of the House of Lords, without using every effort to alter the constitution of that assembly. Agitation must and would be re-organised, and the only alternatives were reform of the Lords, or repeal of the union. Neither did he fail to favour the people with some idea of the kind of reform which he wished to introduce into the Upper House of their legislature. “Let me be

understood. I do not seek to abolish the peerage. I do not require to take away the prerogative of creating peers from the crown. I do not desire to press the organic change beyond the actual necessity of the case. Let the House of Lords remain, but let no lord be a legislator unless he also be a representative peer. In other words, let the reformed House of Lords consist of 120 peers, elected by 120 districts of as nearly equal population as possible, into which the united kingdom could be easily divided." The man—who could pen such a paragraph, proposing the popular election of the peers, in so far as concerned their legislative capacity, by the votes of electoral districts, and yet declare that he had no desire to abolish the peerage, and wished the House of Lords to remain,—must have reckoned on no ordinary degree of stolidity in those whom he was addressing. There is nothing more revolting to men of candour, whatever sentiments they may hold in politics, than the hypocrisy with which persons like this affect to disclaim the very results which they are producing, which they wish to produce, and which they know must necessarily follow from the course they are recommending. The essence of the British peerage does not consist in the title, the robe, and precedence in a procession; it consists in the possession of legislative authority by right of birth, or nomination to the peerage. The essential privileges of the House of Peers do not consist in its having a right to be merely consulted, and to favour the democratic branch of the legislature with its opinion and advice; they consist in that House having precisely the same right to say No, that the Commons

have to say yes. Whatever changes either the origin or the nature of this legislative power may be right or may be wrong, but it destroys the British House of Lords.

Mr. O'Connell's epistle to the people of England was addressed to dull ears; it has been seen, in our parliamentary history, that the menaces of himself and his associates had rather tended to call forth expressions of opinion that the Lords should fearlessly exercise their constitutional rights. The accomplishment, however, of his threat, "agitation, must, and will be, re-organized," was in his own power. As it never had been doubtful in what way the Peers would deal with the municipal bill, the preparations for agitation were already in considerable forwardness, and the approach of the Whitsuntide holidays allowed Mr. Sheil and Mr. Grattan to repair to Dublin to superintend the performance. Mr. Sheil explained, in very clear terms, the course which it was wished that the people of Ireland should adopt—a strenuous and simultaneous movement of the popular masses—the "rousing of the millions of Ireland, and a development of the might which slumbers in her arm." It was necessary that the people should assemble in thousands, and pour in petitions from every district; and, above all, that "the active system of organization devised by O'Connell should again be strenuously applied, with its weekly meetings, its appeals to the people, its enthusiasm, and exciting eloquence. The association, the old association, with its millions for its sustainment, is what we want, and what we needs must have again." Some of the more cautious persons of the party doubted the prudence of forming a perma-

ment association at present. They were apprehensive that the prospect of prolonged agitation might deprive them of the countenance of those who, perhaps, would not see the necessity or expediency of at once adopting such a step, and they thought that the feeling of the country might be sufficiently manifested by simultaneous meetings. A barrister, Mr. Pigott, who, not long afterwards, was selected as the confidential legal adviser of the Irish government, suggested an expedient, by which all the advantages of association might be secured without its name. He recommended that the requisitionists, who had called a public meeting in Dublin for the 23d of May, and who formed the more limited meeting to which the advice was addressed, should constitute themselves an open committee, with power to add to their numbers, which should meet from time to time as occasion might require, and should arrange communications with the most active inhabitants of the different towns and districts who might be disposed to second their object, in order to obtain petitions from all parts of the country. Mr. Sheil readily acquiesced in this suggestion, observing very justly, that the committee would be an association under another name. The objects of this new agitation were declared to be, municipal institutions, founded on the same principles of popular election and control which had been adopted in England, and the speedy settlement of the tithe question. The committee immediately dispatched circulars all over Ireland, not only urging the holding of public meetings to vote petitions to parliament on these two questions, but likewise informing the intended petitioners what they ought to state,

and what they ought to pray for. In regard to tithes, the prayer of the petitions was to be for such a measure as would "put an end to the heart-burnings, the conflicts, and the miseries that flow from the tithe system in Ireland." From the same principle which made them assume the name of a committee instead of an association, and led O'Connell to talk of retaining the House of Lords, while he concocted it into an elective assembly, they would not pray in terms for the only thing which they meant; viz., the total abolition of tithe as a payment to the Protestant church. At the public meeting held a few days afterwards, and which was intended to aid the circulars of the committee in promoting similar assemblages, the seconder of one of the resolutions declared, amidst cheers, that the tithe system must be pulled up root and branch.

It seemed to be soon found, however, that there was much in a name, and that a revival of all the machinery of the Catholic association would be necessary, in order to exercise the requisite degree of influence over the public mind, and, above all, to raise funds. At a meeting which was held on the 1st of July, to express anew the sense which was entertained of the conduct of the peers in rejecting the bill, even as modified by ministers, after it had returned from the Lords, some members of "The Petition Committee," as it was called, expressed their indignation at the smallness of the numbers present, complained that the people of Ireland were dormant and dead to what ought to be now their feelings of nationality, and actually ventured to state, that at that moment there

was more agitation in England than in Ireland—although by those who lived in England, this agitation was unseen and unheard. It was, therefore, thought prudent to follow the original advice of Mr. Sheil, and re-create “the active system of organisation devised by O’Connell, with its weekly meetings,” and other appliances. Out of the petition committee, arose forthwith “The General Association,” formed on the model of the Catholic association, using the same means of influence, but bearing another name, and professing different objects. To municipal reform, and the abolition of tithes, or rather as an instrument for attaining these objects, was now to be added a minute attention to the approaching registrations, in order to increase, if possible, their party in the House of Commons. The whole influence of the association was to be brought to bear on individual claimants and voters; no electoral body was to be left undisturbed by the interference, or uncontrolled by the inspection of its pro-consuls; and they convinced themselves that, in the present situation of the government, the appointments of revising barristers would not be hostile to their interests. These, and the other purposes of the society, required money; and as the old association had its Catholic rent, the national association established a similar tribute, distinguished from its predecessor by the name of the “Justice rent.” The association was to meet once a week in the Corn Exchange, to which the Catholic association had given so much notoriety; O’Connell presented to it the chair of the Catholic association, which had been left in his possession; and the

walls of its place of meeting displayed in large characters the words, “Scotland has municipal reform—England has municipal reform—Ireland has been declared unworthy of municipal reform.” After the arrival of Mr. O’Connell in Dublin, in the beginning of August, it was put into full operation. From him proceeded addresses to the people of Ireland, addresses to the people of England, the complete organisation of the justice rent, the appointment of committees, and of a reporter on the election register of every county, city, and town in Ireland.

The object of the address to the people of Ireland was extremely laudable in itself, although a recommendation to live according to law sounded strangely in the mouth of one who was the leader in the tithe-campaigns, and had used menaces to prevent electors from voting as they chose. It was an exhortation to the people to give up their practice of fighting at fairs, because it was a foolish as well as a brutal custom, interrupting business, ending in wounds, imprisonments, and trials, contrary to religion as well as to law, and one which the government and its attorney-general were resolved to put down. But while the peasantry were thus seriously warned against breaking each other’s heads, not a syllable was said to them of the brutality or immorality of maltreating a process-server, defrauding a clergyman, or treating, as if he were not a human being, the neighbour who differed from Mr. O’Connell in politics. For the ostensible purpose of aiding the address, but with the real object of having every where an instrument to guide the population as he might require, it was re-

ved, that officers called pacificators, should be appointed in every parish in Ireland, and this, said Mr. O'Connell, "will constitute the fullest perfection of our scheme of peaceful agitation." Every parish was to have two of these pacificators, one of them named by the clergyman of the majority of the inhabitants, and the other elected by the inhabitants themselves. There was thus the General Association sitting in Dublin, holding its meetings weekly or oftener, with its registry inspectors, or registry clubs, and its agitating pacificators scattered, or to be scattered, in one enormous system of organisation, all over the country. From the capital of Ireland, the bloated and ferocious monster extended in all directions its monstrous and grasping limbs, tainting with its poisonous breath the political and social atmosphere, while the government not only left it undisturbed in its den, but caressed and fondled some of its brood—that government which had seen the Orange societies disappear at the mere expression of a wish uttered by the crown, and one of the houses of parliament.

All these proceedings required money, and, in general, the principal business of each weekly meeting consisted in announcing the amount of "rent" collected during the preceding week or in receiving more;—for the term business can scarcely be applied to the quantity of talking, in which the members then indulged. The usual topics furnished the stuff out of which these orators spun the thread of their verbosity longer than the staple of their argument. The greatness, the power, the determination of Ireland; the demand for justice by getting new corporations and abolishing tithes;

the most fulsome flattery of every man who sent them a pound—which might be excusable,—and the unbounded and vulgar abuse of every man who differed from them in opinion, or kept aloof from their projects. These, and things like these, formed the regular stock of weekly declamation. How often, in England and Scotland, and how long, had municipal reform, parliamentary reform, or the repeal of the test acts been discussed? How many meetings had been held, and petitions presented? But were they mere samples of unreasoning passion and personal vituperation? It would scarcely have been possible to find in the orations delivered at the Corn Exchange, a single attempt to shew, that Ireland either needed, or in any respect would be benefitted by those corporations, the refusal of which hell and heaven were called on to demand: whether it might be so or not, this was at least a point which these rhetoricians should have condescended to argue. Or was it that they felt the description which had been given of these intended institutions to be true, viz., that they would be used, and were demanded, merely as new engines to batter down the Protestant church; and was this the reason why the Popish clergy, from the titular bishop to the parish priest, were zealous laudators of the association, and not unimportant contributors to its funds?

The two declared objects of the association, it has been seen, were tithes and municipal corporations. In regard to the former, the agitators were not quite agreed as to the course to be pursued, though they were quite in harmony as to the end which they sought. Mr. O'Con-

nel railed at the proceedings in exchequer; but the barons did not therefore give up their jurisdiction. He assured his hearers, however, that before next Easter term, the present plan of levying tithes would be found to be unavailing, as he had assured his dupes in regard to the coercion act, that if any meeting were dispersed under it, he would overwhelm with actions those who had dared to execute it. "Tithe martyrs," that is, tithe debtors whom the process of the court of exchequer had sent to prison till they paid their debt, were paraded, after they had been liberated, at meetings of the association, and sums of money were voted to them from its funds. But these were far from being active steps towards the abolition of tithes. In their tithes bills, with the appropriation clause, ministers had defended the latter upon the ground, that this would satisfy and tranquillise Ireland; it would be a final measure; the abolition of tithes would no more be heard of in any serious sense. It had been answered "the measure will not be final; it will only be made the means and pretext of stripping the Protestant church of every portion of the tithe. The object of those on whom you depend is utter abolition." O'Connell saw the danger, if he could avoid it, of the papists openly avowing, as the only principle on which they would act, the instant and complete extinction of tithes; he preferred what the opposition had declared to be the plan of the papists; and it became his interest to keep back the more candid agitators who wished to state fairly what they all wanted, and without which none of them would be contented. It would have increased a thousand fold the awkwardness of

the situation of ministers, with their final and satisfactory appropriation clause, and the reduction of the tithe by thirty or thirty-five per cent, if, at the same moment the general association had declared that all these representations were unfounded, and that nothing but unqualified abolition of the tithe as a payment to the Protestant church would be accepted. In a letter addressed to his constituents of Kilkenny, in which he described the conduct which he had followed in regard to the tithe bill of last session, and that which he intended to follow during the next, he announced his well known instalment principle, "I will take my instalment, however small, at any time, when to get more is out of my power, *and then go on for the balance.* I realise for Ireland all I can get, and having got part, *I am thus better able to seek the rest.* This is precisely the principle I have acted on with respect to the tithe system in Ireland. My opinion is, that tithes ought to be totally abolished, and that ultimately nothing less than the abolition of the entire will, or ought, to satisfy the Irish people." But it was not yet time for this, not fifty men in the House of Commons would vote for it. "The Whigs, however, had offered a great deal." They offered thirty per cent. but they did more; they offered a revision of all the compositions on which it could be shown that an unreasonably high rate of income had been obtained. They did still more; they offered the appropriation clause—that is, an appropriation for the education of persons of all persuasions of so much of the ecclesiastical revenues of Ireland as should not be necessary for the spiritual wants of the Irish Protestants.

I do not see how it was possible for any member, who comprehended the nature of these offers, to refuse to vote for such a bill. He who could so refuse may be very honest; that I do not dispute,—but he could not be very wise. For my part, I could not hesitate one moment; and accordingly I heartily supported the ministry of lord Melbourne in their measures of tithe relief, not as giving all I wanted for the people of Ireland, but as giving us a part, and establishing an appropriation principle, which would necessarily produce much more;” and he then proceeded, very unnecessarily, to assure them, that any apprehension of the measure being final, was absurd. He would follow the same plan during the following session, but he would not be satisfied with less than 42*l.* 10*s.* per cent.

One scarcely sees why any agitator should have been dissatisfied with this thin veil of temporising, which concealed no part of the crafty and scheming form: but there were agitators, who thought it would be better to throw off every covering even in appearance. Among these was Mr. Sharman Crawford, member for Dundalk, himself a professed Protestant of the established church of England, but perfectly willing to strip that church of all its revenues. He represented to the Association the great importance of declaring openly what they were determined to obtain, and fixing principles which, being thus announced by the voice of Ireland, would be a guide for all her representatives. He proposed that this should be done by adopting the following resolutions:—

“Resolved—That in our opinion  
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nion it is not compatible with justice to Ireland, and with the theory and practice of the British laws as applied either to England or Scotland, that the great body of the people should be taxed to pay for the church of the minor portion; and that it is equally incompatible with the principles of religious liberty that any man should be compelled to pay for the ordinances of a church with which he is not joined in communion.

“That as, under the present application of the tithe composition, a tribute is levied from the whole nation for the uses of the church of only the tenth portion of the community, the people of Ireland are therefore justified in demanding the total extinction of an assessment so applied.

“That whilst we demand relief from this ecclesiastical impost, we at the same time require, that, as the tithe assessment was in the original institution a levy from the profits of land for the public benefit, an assessment equal in amount shall be imposed in just proportion on those possessing profitable interest in land, to be applied to the instruction, relief, or employment of the people, or to such other general purposes as Parliament shall hereafter appoint.

“That in our opinion any settlement of the tithe question, which shall not be founded on the foregoing principles, cannot be satisfactory to the people of Ireland; and we call upon our countrymen not to desist from all legal and constitutional means of redress, till they have obtained full and complete relief from this oppressive and degrading impost.”

When these resolutions came to be discussed, Mr. O’Connell proposed  
[X]

posed, and of course carried the proposition, that they should be first considered in a private committee. He disliked the proposal to substitute a tax upon the land, or any thing else. Above all he disliked the absence of an approval of his instalment and temporising principle, a disavowal of which, he said, would turn out the ministry. "If they came forward with a thundering resolution on the subject," the resolution might soon reach Brighton, and the packet boat be ready for Lord Mulgrave's departure. In the committee, the resolutions were altered as he wished, and in that form were unanimously voted by the Association, their adoption being seconded by Mr. Crawford himself.

"Resolved—That it is incompatible with the principles of religious liberty that any man should be compelled to pay for the ordinances of a church with which he is not joined in communion.

"Resolved—That as, under the present appropriation of tithe composition, a tribute is levied from the whole nation for the uses of the church of only the one-tenth portion of the community, the people of Ireland are, therefore, justified in demanding the total extinction of an assessment so applied.

"Resolved—That, in our opinion, no settlement of the tithe question can give satisfaction to the people of Ireland which is not founded on the foregoing principles.

"Resolved—That we call upon the people of Ireland not to desist from all legal and constitutional means of redress till they have obtained full and complete relief from an impost equally oppressive and degrading.

"Resolved—That, in carrying out the foregoing resolutions into practical effect, the representatives of the Irish people should always keep in mind the adopting such prudent and wise course as shall enable them to realise for the Irish nation the greatest possible quantity of good, and as shall also enable them to support and sustain in office, without any violation of principle, the first and only true and unequivocally honest government that has ever been known in Ireland."

After this public declaration, any man who could pretend that a partial sacrifice of the Protestant church was to satisfy the papists and pacify Ireland, must be more deficient in honesty than in sagacity. O'Connell described still more clearly the ground on which he stood, and the advantages which it gave him over the whig government, when he said, (Dec. 9) in replying to certain charges, that he had abused the English radicals, "I am for the whigs, although they do not go the whole way with me; *but when I get them on to a certain point, I will bring them the rest of the way with me.*"

This call, moreover, upon the peasantry not to desist from seeking the abolition of tithes "by all legal and constitutional means of redress," words which bore in Ireland a well known practical meaning, did not tend to diminish the resistance still shewn to every attempt to enforce the steps necessary to the recovery of tithes, where a protecting force did not attend. The mere process-server was still a menaced, hunted, and inefficient animal; still, when sales of distrained cattle were attempted, intimidating mobs surrounded the scene, and no man who valued his life dared to purchase; and

now that the efficacy of the exchequer process, by merely posting notices instead of service, had been felt, the writs of that court would have been equally set at defiance by brute force, but for the power which they possessed of compelling police and military aid. This was plainly proved by a new scene of bloodshed, which took place in the end of October, at Dunkerrin, in the county of Tipperary. A commissioner of the exchequer, that is, the person named in the writ, having proceeded to that place to post subpoenas in obedience to the writ, and having every reason to expect resistance, required the sub-sheriff to meet him near the spot with a sufficient protecting force. By mistake he had sent to the sub-sheriff not the writ of assistance itself, but the order for the writ, and that officer remained inactive. When, therefore, the commissioner, with his assistant bailiff, and five policemen, came near the place, they found no protecting force, but they found a great body of the peasantry, who must have been made aware of their expected arrival. The mob attacked the small party with stones, and the latter were not able to approach the spot where their duty was to be performed. They attempted to return, the crowd increased, hemming them in on all sides, pelting them with missiles, and swearing that neither the commissioner nor bailiff should escape with their lives. Some of the party, who were armed, had to fire in self-defence, but they were too few in numbers; they were crushed down by the savage multitude; the bailiff was murdered on the spot, and one of the murderers was killed by a shot from the police. The coroner's inquest on the body of the bailiff found a verdict of wilful

murder against persons unknown. In regard to the death of the peasant who was shot, the jury could not agree. Four Protestants, who were upon it were for finding justifiable homicide; but the majority of eight catholics wished merely to find that the deceased had come by his death in consequence of a shot fired by a particular individual; they would not venture to pronounce even for manslaughter. The association immediately put its emissaries in motion to obtain justice, as they termed it, against men who had defended their lives in discharging their duty; but not a syllable was breathed against the banded murderers, who had marched out to resist the law, and butcher its officers.

For many years, the want of a system of poor-laws in Ireland had been treated by men of all parties as one source of misery, and therefore of turbulence. The introduction of some provision for the destitute had been loudly called for by many of the Catholics, both clergy and lay-men; but the proposal had hitherto found a determined opponent in O'Connell. He opposed it, because, as he said, poor-laws had done mischief in England, and would do no good in Ireland, which wanted employment and wages for the poor, not charity. But his true motives were said to be, dread of any institution which might diminish his influence, by tending to render the lower classes more peaceable, and teaching them to look to other influence than his own, and an apprehension that so many of his retinue would become legal paupers, as to diminish the number of available votes in a contested election. Government, however, in consequence of the growing popu-

larity of the demand, had found it necessary to take up the subject. A commission of inquiry had been appointed; and its report, which was presented during the present session, disclosed a scene of wretchedness altogether frightful, and that, too, (which was the most appalling feature), as being the ordinary state of existence of the Irish peasantry. In the beginning of the session, government had held out a prospect of developing some plan for the relief of the poor; but, after the report of the commissioners had been received, ministers declared that it would not be expedient to introduce any measure founded upon it during the present session, because the suggestions contained in it were not of such a simple nature that they could be adopted without great caution and consideration; and assuredly it would have been most imprudent to have proceeded rashly in a matter so delicate and difficult. Different bills, however, had been brought in by different members on their own account; and after the report had been laid before the house, Mr. Scrope, member for Stroud, moved, as resolutions founded on the report, "1. That a great portion of the labouring population in Ireland are insufficiently provided with the commonest necessities of life; that not less than 2,385,000 persons of that class are in distress, and require relief for thirty weeks in the year, owing to want of work. 2. That the wives and children of many are obliged reluctantly, and with shame, to beg. 3. That mendicancy is likewise the sole resource of the aged and impotent of the poorer classes in general, whereby encouragement is given to idleness, imposture, and general crime. And the commissioners having

recommended several legislative measures for the cure of these appalling evils, this House is of opinion that no time should be lost in taking such steps as may tend to relieve this large portion of his majesty's subjects from so calamitous a condition." Government having stated that they had the subject under consideration, although they could not undertake to propose any measure during the present session, the resolutions were withdrawn; but the authors of the different bills proceeded with them, till they, too, were withdrawn, lord Morpeth having pledged the government to introduce a bill during the following session.

The same feeling, which rendered it necessary that government should take up the subject, compelled Mr. O'Connell to become an adherent. He now saw, he said, in his letter to the electors of Kilkenny, the inevitable necessity of acceding to a poor-law, more especially as a cry on the subject had been raised in Ireland. He deemed it right, likewise, that the experiment should be made as part of the great trial which was now going on, whether Ireland could do without a repeal of the union; "for, without the repeal, you must have a poor law"—an alternative, however, which he had been wondrously late in discovering. He warned them, that he did not expect any practical benefit from the measure, because poor laws tended to increase pauperism and depress wages, taking from the pauper much, and giving him little in return, and because the House of Lords would not pass any bill which did not vest the management of the relief fund in the hands of the great landlords. The best poor law, he told his

trades' union, was good government, and that they must have, for it was bad government which had produced the beggars. He would go the length of relieving the infirm, the aged, the crippled, and the diseased, because no man would break his leg, or catch a fever, in order to have food and medicine gratis; but he would go no farther, and the fund should be raised by a tax upon absentees, who annually carried seven millions out of the country.

A different mode, however, of raising the fund was brought forward in the Association, one which ingeniously contrived that the abolition of tithes, as payable to the Protestant church, and the establishment of a poor-law should aid each other. This plan proceeded from Mr. O'Mally a popish priest. He declared himself an enemy to the abolition of tithes, in the sense that they were no longer to be paid to any body; tithes were property, and the oldest property in the country; and although parliament might go the full length of abolishing the parsons themselves by hundreds, it could never presume to say, so long as the rights of property were sacred, "let tithes be abolished." Yet in the same breath, this reverend gentleman proposed as the only mode of preserving inviolate these sacred rights of property, that the tithes should be transferred from the church, whose property they had been for centuries, to a new proprietor called the people at large. His argumentation was no less novel, as coming from a popish priest, for the idea which it presented of the church. Tithes, he said, were a charge upon the land of a date anterior to any existing tenure, and yet it was of such property that certain persons wished to make a sort of

animal *feræ naturæ*, to belong to him who should first knock it on the head. There was one tenth of his lands, and their produce, to which no landlord had a shadow of title; for they had been reserved long anterior to any existing title, and had never been given up. As the lessor had no title to that tenth, the lessee could have none; so that if both conspired in abolishing it, they conspired to the prejudice of a third party—namely, that of the people at large, (of which the church had been hitherto the representative and the trustee), in whose favour the reservation was made; and however that trustee might have dishonoured her trust, and usurped the property in her keeping wholly to herself, was that an excuse for two other usurpers, stronger than her, wresting the spoil from her hands, and sharing it amongst themselves? Tithes, therefore, as a distinct property, must have a distinct owner, and the only way in which they could be abolished was to transfer them from one such owner to another. They were first owned by the old church—they were then transferred by act of parliament to the new—and now they were in a state of abeyance between both. The priests are not the old church, nor the parsons the new one; but the people, whether Protestant or Catholic, were in a fuller sense, the representatives of their respective churches, and more especially both Catholics and Protestants were fellow Christians. Here, then, was the bond of union and of peace:—Let tithes be abolished wholly as a provision, whether for priest or parson, but let them be preserved inviolable as a sacred provision for the poor of the united flocks of both. Let the assessment of them, when they came to be changed

into the poor man's tenth, be made upon more equitable principles. Let fresh or unreclaimed lands be exempted altogether for a certain number of years. Let the impropriations be purchased up at their present value, so that all the lands in the country may be subject to one uniform system: and let the same amount of revenue, guaranteed to the tithed clergy by the bill of last session, be secured to them still by legislative enactment, to be paid out of the consolidated fund, until the profits, accruing from the present or a better management of the church lands, should be able to cover it. Thus the Protestant church would be provided for, though in a different way than at present; landlords and tenants would lose nothing, because the tithe was no part of their property; the poor, both Protestant and Catholic, would be supported and yet both Catholic and Protestant would escape the threatened burden of a poor-rate; the House of Lords would no longer have any reason to resist an appropriation clause for purposes of general education on the ground that the education of Protestants and Catholics could not be the same, because this would be an appropriation clause of the whole tithe for purposes of Christian charity, the principles and practice of which were common to both creeds; and even the landlords would be gainers, because they would gain more by parting with such a portion of tithe as even the bill of last session proposed to leave in their hands, and escaping the burden of the poor, than by retaining that portion and paying a poor-rate.\*

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\* The views of the rev. gentleman were expressed in the following resolu-

In this scheme there was a great deal which could not possibly be agreeable to O'Connell. It proclaimed the immediate and total extinction of tithe, not indeed as

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tions, which he moved for the adoption of the Association.

"Whereas it is now certain that a bill will be introduced into Parliament in the ensuing session by his Majesty's government, and, under such auspices, will most likely pass into a law, to secure to the destitute poor of this country a legislative provision; and whereas a bill is also to be presented at the same time, and under the same auspices, purporting to aim at a settlement of the vexed and vexatious question of tithes; be it therefore

"Resolved—That this fortunate coincidence of these two paramount questions offers, in the opinion of this Association, a most happy occasion of disposing of them both, by such a just and honourable compromise as would greatly promote the interests, and be at the same time perfectly compatible with the principles, of both the parties into which the country is divided.

"Resolved—That this Association, having already declared by its resolutions of the 24th of November, that no settlement of the tithes can be satisfactory or final that continues the application of them, or any portion of them, however levied, in such a manner that any one would be compelled to pay for the support of a church with which he was not joined in communion, do now, on the other hand, hereby propose and consent that the said tithes be utterly abolished as a provision for the Protestant clergy, and be preserved as a provision for the destitute poor of both churches, but under a more equitable appointment, whereby the poorer classes of payers are relieved, and with a fair compensation for all existing interests involved.

"Resolved—That this arrangement would be clearly as beneficial to the Protestant as to the Catholic; for although, by the relinquishment of tithes, a new burden may be imposed upon him for the support of his own church, yet by the application of that assessment to the relief of the poor, he would be saved from the infliction of a poor-rate, the burden to which he would be thus subjected being a great deal lighter than that from which he is exempted.

a payment to be made by the tithe-debtor, but as a payment to be made for the Protestant church, while, in such a sense, O'Connell had declared, in his address to his constituents that not fifty members of the House of Commons would vote in its favour; and on that ground, he had so modified, in a private committee, the resolutions of Mr. Sharman Crawford, as to make them issue in a formal approbation of the principle of instalments and temporising. The present plan adopted, and its proposer vigorously defended, (with however little logical coherence, he followed out) the doctrine that tithes were a separate property, to which no landlord or tenant could lay claim, if the sacred rights of property were to be preserved: and O'Connell had acuteness enough to

see the consequences to which such a principle must lead, as against the whole host of agitators. It would no longer be a question, shall the burden be removed, but simply, to what purposes shall its fruits be applied. He had proclaimed, year after year, that the payment must come to an end, and the peasantry of Ireland be relieved of the hideous impost; it was now maintained, even in his own association, that it was no impost, and that the payment ought to be continued. Above all, Mr. O'Malley dealt roughly, and his plan required that he should deal roughly, with O'Connell's favourite instalment system, and the hypocrisy of presenting the tithe bills, which had been brought forward, year after year, as a settlement of the tithe question. No party in either house of parliament, said Mr. O'Malley, could expect, and he believed not, that either of them did expect, that the measure of last session would have been final. To suppose it could have satisfied the people of Ireland was an insult to their sense and spirit. Both of the leading parties in the state, being resolved to preserve tithes, which they saw about to slip through their fingers, had resolved to preserve them under a different name: tithes were to be smuggled under a permit for rent. This would not deceive even the dullest clown. A tithe *rent* paid by the conquered to the conqueror's creed, was just as much a memorial of a national subjugation — just as much a stigma of national dishonour, as a tithe *composition*. 'The people, therefore, will have the same motives to refuse, and certainly the same facilities to withhold, by their passive resistance, the tithe-rent, that they have now to

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"Resolved—That this arrangement, in addition to its offering as a measure of conciliation between the parties a feasible, peaceful, solution of a Gordian knot, that is stricken already with the sword, further holds out this other advantage to them both, that in the fixedness of the relief fund it would create, a solid security, would be provided against unlimited demands upon the public security.

"Resolved—That the appropriation of the tithes cannot be deemed to clash with the principle upon which the high church Protestants have resisted the appropriation hitherto proposed, since, although the two churches may differ as to the character of the education they approve for their respective flocks, the religion of both is charity to all.

"Resolved, finally—That the adjustment of tithes herein propounded has more of the character of a complete final settlement than any that has been as yet suggested, being, as it would be, a final settlement for all parties; since, if the said tithes were once invested in commissioners for the benefit of the poor of both communions, they would be placed for ever utterly beyond the reach of the priests of either."

refuse and withhold the tenth of their produce; and thus, so long as the wrong continues to be done, so long will the resistance endure, until at length it shall have grown into a sort of prescriptive title to refuse, in any shape, what it would now willingly concede in the proper one. After a momentary armistice the unholy war of tithes will again be renewed, with its perpetual turmoil, its vexatious strife, and anti-social virulence; we shall have to purchase another instalment with another outlay of tears and blood, and curses deep, and fearful vengeance. The fierce discordant struggle will not be, to be sure, as now, between the people and the parsons, but more directly between the people and the parson's proctors, "as by law established" — the complaisant landlords to wit. Looking yet higher, we shall find this miserable bit-by-bit settlement of tithes (what a contradiction in terms!) not only destined to make the present confusion still more confounded as between people, parson, and landlord, but to keep at loggerheads the two great estates of the realm, to the manifest depreciation of both in the public estimation of all civilised states, and to the manifest detriment of the public business of our own. I do not see how the House of Commons, consistently with their principles or their pride, can give up the famous "appropriation clause;" nor can I see how the House of Lords, consistently with theirs, can accede to it. Now, setting aside mere stupid prejudices and hypocritical pretences, would it not be a fair compromise between them to accept this better "appropriation clause" of my poor law?

The resolutions, in which Father

O'Malley embodied this plan, were seconded by Mr. Sharman Crawford, the same gentleman who had wished a plain declaration of the necessity of the total abolition of tithes, and nothing less, but who had been brought, in a private committee, to subject his proposals to an overriding declaration of the propriety of the instalment and temporising system. This formed an additional reason why O'Connell should dislike them; and he, who could not well endure that any measure should even be proposed without his previous consent, and under his high approbation, necessarily viewed it as an evil omen that, in what he called "his own association," motions should be brought forward, supported with great ability, and extremely popular in themselves, of which he not only was not the author, but which were directly contrary to his own more crafty views. Mr. O'Connell, therefore, had recourse to the same expedient which he had formerly used, viz., a motion to refer the resolutions of Father O'Malley to a committee. After a discussion, continued by adjournment on different days, the question was got rid off on the 21st of December, by the Association agreeing to a motion of Mr. Sheil, that the farther consideration of the question should be adjourned for three weeks. The reason assigned by Mr. Sheil for this proceeding was, that the electoral registration was going on, and that the attention of the Association ought to be directed to nothing else. "Parliament," said he, "meets on the 31st of January. The municipal and church questions must be almost immediately after brought forward. If the Lords throw out the bills, as they will beyond doubt

do, a dissolution is inevitable. For that dissolution we ought to be prepared; we ought, in truth, to think—to speak of nothing else; or, in other words, to the registries which are at hand, our attention ought to be exclusively directed. Discuss poor-laws at such a moment! At such a moment assemble here to listen to dissertations of hours in length on the subtlest questions, by which the minds of the acutest and deepest thinkers can be engaged! Away with such infatuation! The registry, the registry! Think of nothing but the registry! Aye, and think of it practically and efficiently. Money, sir, money! It is in politics as in war—on your chest every thing depends. Discuss poor-laws indeed!” Mr. Sheil did not deign to explain how the discussion of poor-laws interfered with the registration, or with the payment of money; and none of his auditors thought of asking the question.

In LOWER CANADA, the disputes, which had existed for some time between the executive and one branch of the legislature, still continued, and threatened at one period to extend themselves to Upper Canada. Sir John Colborne had been removed from the government of the latter province, in the end of the preceding year, and he was succeeded by Sir Francis Head, who was then working as a poor-law commissioner in England. Sir Francis arrived at Toronto on the 23rd of January, and the session of the colonial parliament began on the 27th. The governor declared that the principle of his policy would be to listen to, and redress, every real and practical grievance, and to avoid every attempt to conciliate particu-

lar parties; that he had nothing either to promise or profess, but trusted he would not call upon them in vain for the assistance which the government expected, and which the interests of the country required. On the 30th of January he communicated to the House, and thus rendered public, the instructions under which he had been sent out, and along with them extracts from those under which lord Gosford had hitherto been acting in Lower Canada. In these instructions it was declared, that an elective legislative council would not be granted, and that what were called the crown reserves would not be abandoned, except on condition of an adequate and permanent civil list being voted. These, and especially the first, were the very points on which the reformers in both provinces insisted, and in both they formed the majority of the House of Assembly. The publication of these instructions, therefore, and that too at a time when the discussion of the question of a civil list was approaching, tended to prevent any concessions being made by the reformers. In the message, however, which accompanied the instructions, the governor stated, that he had been commanded by his majesty to communicate “the substance” of his instructions to both Houses; but on the House of Assembly expressing a wish to have them entire, the governor joined with them in opinion that this would be more satisfactory, and he sent them the whole.

Instead of proceeding to substantial business, the House of Assembly, on the 5th of February, presented an address, in which they called for a multitude of

papers and explanations, all regarding past matters and individual transactions; shewing a strong desire to be made acquainted with everything written by the executive, whether in the colony or at home, to whatever person, and touching whatever colonial matter, and bearing particularly on a grievance of which they complained, viz., that there should be members in the executive council, who were opposed to the projects of the reforming majority of the colonial commons. They insisted that all members of the legislative council holding other offices should resign the one or the other, and demanded in particular, that this rule should be enforced against the bishop of Regiopolis, and the arch-deacon of York. They modestly requested, after asking for a host of particular papers, "Copies of all other communications between the colonial office, and the executive government of this province, on matters of public or general interest to the inhabitants of this province" since the last election. To this sweeping demand Sir Francis refused to consent, but he gave them every paper which discretion allowed him to give. He appealed, at the same time, to "their liberality and good sense," whether, as he had come there a perfect stranger to their political differences, with instructions to maintain the constitution inviolate, but to correct all real grievances, it would not be better that he and they should look steadily forward to the future improvement and prosperity of the province, rather than occupy themselves in re-considering the transactions of the past.

The House of Assembly thought otherwise. They occupied them-

selves with addresses on alleged, private, and public grievances, and a new element was soon added to the confusion. In the Canadas, the governor is assisted by an Executive Council, sworn to give him their best advice in the matters which may come before them. One of the complaints of the reformers was, that there were members in that council who did not belong to their party. Sir Franois, although he had declared one principle of his policy to be, not to attempt to conciliate either party, had begun by appointing three new popular members. The consequence was, that, in three weeks, there was a schism between the governor and his council. The council maintained, that they were not merely advisers of the governor in matters submitted to them, but that all measures of the government, those of more general policy, as well as the more particular affairs called land-matters, must be submitted to them for their advice, whether that advice should be followed or not; and they contended that they were a body responsible to the people, for all measures of government. The governor differed from them in opinion, taking his stand both upon the constitutional act of the 31 Geo. 3rd, and on the admitted practice which had hitherto uniformly prevailed. On the 4th of March, the council addressed to his excellency a long memorial, setting forth, that a strong spirit of dissatisfaction existed in the province, which had led to demands even for changes in the constitution; that the Executive Council had never been consulted in the measures which had led to this result, and yet they had incurred odium, in consequence of a public

belief that it was otherwise. They admitted, that the powers and the doctrines for which they contended, had never been recognised at any time since the passing of the constitutional act, but they argued that authority was to be found in that act for their claims, at least, by implication, and if it was not there, it must be held that it was intended to have been there. They insisted, therefore, upon a right, to have all matters of every sort brought before them, instead of meeting once a week upon land matters only; and they proposed, as the practical application of their powers, that the affairs of the province should be divided into departments, reserving for the determination of the whole council, only such matters as were of so weighty and general a character, as not to fall properly under any department. If their views were rejected, they craved permission to be allowed to address themselves to the public, on the nature of their duties. They thus evidently proceeded on the analogy of the mother country, that they formed the cabinet council, and should divide themselves into a board of trade, a board of admiralty, and as many other boards as there might be different descriptions of affairs.

On the following day Sir Francis returned an answer, in which he argued the question with them very calmly. He pointed out to them the essential differences between the political constitution of the mother country and the colonies, arising necessarily from the different circumstances in which they stood. That the only responsible minister in a colony was the governor. That the Executive Council was wisely appointed to

supply to him the local information in which he might be deficient, but that they were not responsible ministers, and nothing was more common than for the members of the council to retain their offices under a succession of governors; a governor might be dismissed for his acts, and the councillors remain. Nay, their individual opinions could never be divulged, even to the king. The governor was not like the king, a person who could do no wrong, but advised by responsible councillors, who were answerable for all his acts. It was just the reverse; his councillors were not responsible. If an illegal act were committed, it was the governor alone who was liable to punishment and disgrace. The governor then showed that the act of 1791 gave no countenance to the doctrine of the councillors; and as to their being responsible to the people, and wishing to appeal to the people, he asked them, how they could reconcile these things with their oaths, they being sworn to secrecy, as well as to advise. He refused, therefore, to allow them to make themselves responsible to the people. They then tendered their resignations, which the governor accepted, and named a new council.

The whole body of reformers was immediately in violent commotion. The town council of Toronto, and a public meeting of the inhabitants, voted addresses to the governor, expressing their regret and surprise at the dissolution of the former council, and the appointment of the new one, declaring that they had no confidence in the existing provincial administration, and praying him to dismiss its present members. The House of Assembly, too, in which the majority belonged to the same party with the resigned

councillors, took up the matter on the 14th March; they voted an address to the governor, expressive of their anxiety at having learned the resignation of the council, and praying him to communicate to the House the cause of disagreement between him and his late advisers, and likewise all communications which had passed between them on the subject. The governor complied with their request, adding, at the same time, "Had they chosen to have submitted to me in council, that the responsibility, and consequently the power and patronage of the lieutenant governor, ought, henceforward, to be transferred from him to them; had they, even in the unusual form of a written petition, recommended to my attention, as a new theory, that the council, instead of the governor, was to be responsible to the people, I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it; but when they simultaneously declared not that such ought to be, but that such actually was the law of the land, and concluded their statement by praying that a council, sworn in secrecy to assist me, might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty, calmly and with due courtesy, to inform them, that they could not retain such principles, together with any confidence, and to this opinion I continue steadfastly to adhere." The House referred the written communications to a committee. That committee adopted the unusual step of applying to the Executive directly for farther information, instead of applying through the House; but what they asked they got. Before the committee had reported, the

House presented another address, declaring their total want of confidence in the new appointments, requesting the governor to take immediate steps for removing the present council, and expressing deep regret that he should have accepted the resignations of their predecessors. The governor remained firm; the usual means were resorted to of getting up violent petitions and addresses; the House itself addressed the king, describing the governor as a man whose ear was credulous, whose mind was poisoned, whose feelings were bitter, whose conduct was tyrannical, unjust, and deceitful, derogatory to the honour of the crown, and demoralising to the community, who treated the people of the province as being little better than a community of rogues and fools, and that the country was governed by "Downing-street law." Yet, while all this stupid violence was going on, a list of grievances laid before the crown by these very men at the end of their previous session, bore, that "it is the duty of the lieutenant governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by his instructions from the imperial government, and in such other cases as he may think fit. It appears by the following transactions, that the lieutenant-governors communicated to the council only so much of the private despatches they receive from the colonial office as they may think fit, unless in cases where they are otherwise specially instructed." They might wish to have this state of the law altered, but the question between them and the governor was one of fact, as to what was the law. Following out their violence, the House resolved to stop the supplies, and,

on the 20th of April, the governor prorogued them. On the 28th of May, the legislature was dissolved by proclamation, and a new election ordered, the writs to be returnable on the 16th of July.

Sir Francis, it appeared, did not take this step without knowing his ground. On the particular question of the powers of the council, the governor was clearly in the right. The violence of the House of Assembly had produced as violent a reaction, and the evils which were produced by a prorogation having been forced, without any part of the public service being provided for, was not without its effect. Numerous addresses, particularly from the electoral bodies, were poured in upon the governor, requesting him to dissolve the Assembly. It was upon this that he acted, and the result was, the complete defeat of the radical party. Out of sixty-two members returned, only eighteen belonged to that political faction; the other forty-four being strongly opposed to their unconstitutional designs. The new Legislative body met in November, and both Houses seemed to be in complete harmony. The governor declared in his speech, that as the colonial legislature had no authority to alter a constitution imparted to it by an act of the imperial legislature, so, though all the inhabitants of the province should unanimously petition him to alter a single letter of it, he had neither power nor inclination to do so. The addresses from both Houses were echoes of the speech. The Assembly said, they were fully satisfied that the people of the province desired nothing more ardently than that the connexion with the British empire, and the principles of the constitution should be maintained,

and therefore they responded cordially to his excellency's determination that neither should be violated.

Matters did not proceed by any means so favourably in Lower Canada, where the demands of the radicals were still more extravagant, and had continued much longer to be the subject of open and violent discord. At the head of their claims stood a demand for a complete change in the constitution, by making the legislative council elective as well as the House of Assembly. They claimed, likewise, what they called an absolute control over their own revenues, meaning thereby, not merely the right and power of voting the necessary supplies, which they already possessed, but an absolute control over all revenues arising within the state, whether voted by themselves in the shape of taxes, or proceeding from property belonging to the crown. They proceeded on the principle that all the lands in the province belonged to the people, and could be disposed of only by the people; and one of their leading demands actually was, that the charter of an English company, by which the latter had obtained, for valuable consideration, a large grant of lands from the crown, for the purposes of settlement, should be annulled. By way of enforcing their demands, they had refused to vote a civil list; all public servants, even the judges, had remained unpaid for a considerable time. The government had in part removed their distress by advancing money from its own funds; but when the government applied to such a purpose any of its own surplus revenues, this was set down as a new grievance, and

an open violation of the liberties of the people. The discord was aggravated by the extravagant demands of the radicals, being those of the French part of the province, while the moderate party consisted of the British portion of the population. The former spoke boldly of using force to obtain what they demanded, and threatened a separation from the mother country.

Lord Gosford was not only governor, but was likewise the head of a commission, which had been sent out the year before to investigate the multitude of grievances of which they complained; and it was stated by Mr. Roebuck, the agent in England, not of the colony, but of the party, that before lord Gosford received his instructions, lord Glenelg had been pointedly told, that it would be in vain to attempt any plan of conciliation, unless a change in the constitution of the legislative council were conceded. When the governor arrived in the colony during the previous year, he immediately excited the suspicions and fears of the British party by the close connexion in which he seemed to place himself with the French radicals. He described his instructions as being liberal, without saying what they were on the important points which the faction principally regarded; and the latter interpreted them as being liberal in their own sense. He spoke of himself as being the personal friend of O'Connell, and O'Connell was the great exemplar of these Canadians, and had declared that all their demands for reform ought to be granted. In his speech at the opening of the session, the governor said nothing about any precise instructions on these leading matters; and the impression produced upon the Ra-

dical party was, that he had instructions to consider every point as being open to enquiry, and every demand as being a thing to be granted, if it was found that the people required it,—people meaning, the French majority in the House of Assembly. The British party, again, were naturally alarmed and disgusted. They saw themselves, or thought they saw themselves, and their interests about to be sacrificed to an adverse faction, whose present object was democracy, and their ulterior object a virtual, and at last a practical separation from the mother country. They formed themselves into associations, to resist the encroachment of the demagogues upon the constitution, and to maintain the authority of the parent state, and called upon their brethren in British North America to aid them in gaining these objects.

While the conduct of the governor thus produced alarm in the one party, it did not succeed in entirely gaining the confidence of the other. The great object of his lordship clearly was to get the necessary votes for the civil list, viz., the arrears of former years, repayment of what the government had advanced, and the necessary sum for the present year; and in his speech at the opening of the session, he had told the house, that if they discharged the arrears due to the public officers, and provided for their maintenance, no part of the surplus revenues of the crown would be touched, till the commission had brought its enquiries to an end. But the ruling party had obtained as yet only general, though very flattering, assurances; although they believed that his lordship

had power, if not at once to concede the desired changes in the constitution, yet to treat them as fair matters of enquiry, they had not been expressly told so. They spent the session, therefore, in passing bills relating to local matters, in providing for the payment of their own daily wages, and the salary of their parliamentary agent in London; but no coaxing or cajoling could bring them to take up the subject of the civil list, which they put off to the very close of the session, when it would be better seen what they had to expect.

It was in these circumstances that, in the upper province, sir Francis Head published his instructions, to which there was an appendix, containing extracts from those of lord Gosford. These shewed that government had not determined to grant some of the principal demands of the French party, and most especially, that what they termed the reform of the legislative council, and always treated as a *sine qua non*, was a matter which his majesty was most unwilling should be considered as an open subject of debate. The wrath of the radical party immediately rose to its boiling point; they complained that they had been deceived and insulted; they voted an address to the king, on the 26th February, reiterating all their demands. They told his majesty, that the colonial office, that is, the king's government, had no power to limit the subjects which were to engage the attention of that house, and they appealed from this infringement of the liberties of the people to the supreme authority of the empire, and to his majesty sitting in his high court of parliament, expressions which shewed

that these politicians considered that there was a supreme authority, in the British empire distinct from the king, and all this, moreover, while no restraint had been laid on them as to the subjects which they might discuss;—the instructions having only said that his Majesty was most unwilling that the question of the proposed change in the constitution of the legislative council, should be deemed an open subject of debate:—and these gentlemen had shewn long enough that they knew his majesty's will to be no restraint upon theirs. That change they insisted on as the very first of their demands, declaring that any partial reform, which did not introduce the elective principle, would be useless; and they even had found out, and stated to the king, that a legislative body, not dependent on popular election, was inconsistent with the principle of the British constitution. They graciously condescended, however, to vote certain supplies for six months.

The crisis having thus arrived, lord Gosford, notwithstanding all his attempts at conciliation, was under the necessity of proroguing the legislature early in March. His lordship told them that since they had refused to make provision, either for past arrears, or for the future expenditure, he would apply to this purpose, and towards the current expenses of the government, the revenues which were at the disposal of the crown. Their own obstinacy rendered it unavoidable, and yet it was one of their principal grievances; for that there should be no revenue at the disposal of the crown, independent of the colonial legislature, not even that arising from the sale or profits of the crown lands, was one of

their chief demands. His lordship likewise informed them, that as all the offers of peace and conciliation, of which he had been the bearer, had failed, he would not venture to predict what might be the consequences of their rejection, and of the demands which had been made to his majesty.

Time having been taken to communicate with the government at home, the legislature again met in September. They were called together principally to give them another opportunity of passing the necessary money votes, and receiving the answer of the British government to the address which the House of Assembly had voted immediately before the prorogation. In his dispatch, the colonial secretary stated generally, that he did not think that, during the preceding session, there had been any real and substantial difference of opinion between the ministers of the crown, and the House of Assembly, on any question regarding which government felt itself at liberty to take immediate proceedings; for no single complaint had been alleged, which had not been either promptly removed, or made the subject of impartial inquiry before the commissioners. On the important topic of the legislative council, lord Glenelg admitted he had instructed the governor, that his majesty was unwilling that the introduction of the elective principle into the formation of that body, should be made even a subject of debate; but he added that the commissioners had likewise been instructed to inquire how far the legislative council had really answered the purposes of its institution, and of what amendments it might be susceptible; and that

government, when their report was received, would take into serious consideration whether there might be any alteration "founded on the principle, and conceived in the spirit of the act of 1791," which would render the operation of the act more conformable to the intention of its framers. "If it be inquired" added his lordship, (and that certainly was the point) "what definite meaning is to be attached to the terms which I have thus employed, I answer, that the principle of the constitution of 1791 is, that there shall be two distinct and independent houses of legislature. Adhering to this general principle, it remains for your lordship and your colleagues, acting on the instructions addressed to you as commissioners, to inquire how the most effectual means can be taken for securing such a legislative council, as shall at once enjoy a due share of public confidence, and a full exercise of an enlightened and independent judgment on all matters submitted for its consideration."

All, however, was of no avail. The assembly voted an address and answer to the message communicating this dispatch, in which they insisted on all their former demands, repeated all their former complaints and reproaches, adding to them the use made by the executive of the government revenues, since the termination of the former session, and declared their renewed resolution to grant no farther supplies. Nay, they had proceeded a certain length with a bill of their own for making the legislative council elective, when the session was closed by a prorogation on the 4th of October.

JAMAICA was the scene of similar

disputes between the executive and the legislature, although there the disputes regarded particular legislative measures, and not any proposed alterations in the existing constitution. The principle of these measures was what was termed "the act in aid,"—that is, an act to make provision for carrying the abolition act into effect—and a bill for strengthening and regulating the police, which was rendered necessary by the same great change. The colonial legislature had passed both of these measures, but only for a limited time, while the government was desirous that they should endure for the whole period of the apprenticeships. When the legislature met in November, 1835, the governor, lord Sligo, announced to them, that the act in aid had been found sufficient for its purposes, and that he wished it to be re-enacted in the same form, but to be made permanent. He desired that the same course might be adopted with the existing police act, the limitation of which, in point of time, had deprived him of the opportunity of obtaining from England a great number of efficient and experienced non-commissioned officers, already well acquainted with that particular description of service, who would not come out under an act which next year might not be renewed. The House stated in its address, that it had passed these bills for a limited time, to have an opportunity of making such amendments as experience might prove to be necessary—which did not seem to be a very unwise or unreasonable object, and they would again give them the fullest consideration.

The House of Assembly renewed the police bill, but only for

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a year, and with certain alterations and restrictions which had not existed in its predecessor. The governor immediately sent down a message, complaining, not of the changes, but of the refusal to make the act to endure as long as the system of apprenticeship existed, and he added, that if the police bill was to be annually re-enacted, government would no longer relieve the colony, as it had hitherto done, of the burden of the military supplies; and he therefore intimated, that it was expected they should provide for these supplies, from which they had for a time been exempted, not in consequence of any right, but merely as an indulgence, of which it was not considered they were any longer deserving.

The act in aid had been originally passed in 1833, and amended and renewed in July, 1834, to the satisfaction of the government. In November, 1834, however, after the abolition act had come into operation, the House of Assembly, from an opinion that many difficulties had been found in the working of the system, and that considerable alarm pervaded the colony, passed a new bill, which differed from the existing act of July, 1834, by containing various regulations which they deemed necessary to the continued welfare of the plantations, but which they likewise deemed to be within the meaning and spirit of the abolition act. In December, 1834, the governor gave his assent to this bill; but it was rejected by the government at home, who thought that these new provisions were inconsistent with the abolition act, and that they rendered the bill less favourable to the apprentices, than the existing measure. The existing act ex-

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pired on the 31st of December, 1835, and the House was now occupied with its renewal. But they still insisted, on inserting some new provisions, while the government insisted that it should not only not be altered in other respects, but that it should be altered so as to endure for the whole period of the apprenticeships. The legislative council amended the bill, by striking out some of the new provisions, and by introducing what was called the suspensive clause—a clause authorising the government to suspend the operation of any particular provisions, if it should appear necessary, a power which the House of Assembly was apprehensive would be used only for the benefit of the apprentices. The House of Assembly disagreed to these amendments, and the council adhered to them. The next step to be taken was, to have a conference between the two Houses; but while the bill was thus still pending, the governor sent down a message to the House of Assembly on the 1st of February, in which he declared, that he would not pass the bill unless, it were amended as the other House proposed. The House of Assembly immediately voted this interference with a pending bill, a breach of privilege, which it undoubtedly was. The governor then prorogued the House on the 3rd of February, but only for one day. In his speech at the prorogation, he denied that he had in any shape interfered with their privileges, and he brought against them a multitude of charges regarding their want of attention to measures which he had recommended. The shortness of the prorogation was the effect of an opinion entertained by the governor, that no matter

which had preceded a prorogation, could be revived in the following session, unless it was referred to in the new speech at the opening of that session; and as he was resolved to say nothing about the breach of privilege, he thought he had fallen upon a very happy expedient of closing the mouths of the House of Assembly. When that House, however, met again on the 4th of February, the first thing they did was to renew their resolution to refuse to proceed to business, till reparation had been made for the breach of their privileges. This resolution being communicated to the governor, his excellency, in his answer, reiterated his doctrine that he had not been guilty of a breach of their privileges. Another message was then sent to him, that his reiterated assertion of not having violated their privileges, by interfering with their proceedings regarding a pending bill, was not satisfactory to them, and that they adhered to their resolution not to proceed to business. The House continued to sit for sometime without a reply. As none arrived, and the hour was late, they adjourned till next day; but just as the speaker was leaving the chair, the provost marshal general was seen affixing to the doors of the hall, a proclamation proroguing the general assembly till the 8th of March. This mode of proroguing, while the House was sitting, was said to be unprecedented, and was treated by the House as an intentional insult. The prorogation was subsequently prolonged.

At home, as the existing act in aid had expired on the 31st of December, 1835, the government thought themselves compelled to call in the aid of the British par-

liament. A bill to continue the act in aid of the colonial legislature of July, 1834, was brought in on the 25th of March, read a second time on the 28th, passed through committee on the 29th, and was reported on the 30th, without any opposition, when its further progress was stopped for a short time by the Easter recess. Lord Glenelg informed the marquess of Sligo of this proceeding in a dispatch of the 31st of March, neither blaming nor approving of what the colonists had done, but stating that, in the condition in which matters stood, with no act of aid at all, the measure was one of imperious necessity. At the same time, he informed the governor that, in the opinion of the government at home, his message to the House of Assembly on the 1st of February, was an unequivocal breach of privilege; that it was impossible to deny that the act in aid was a pending question at that time; that the king's representative was not entitled to interpose with his advice upon a measure pending before the other two branches of the legislature; and that reparation was due to the House of Assembly for the infringement, however unintentional, of their privileges. His lordship was farther directed again to convene the general assembly, and invite them to resume the business of last session, especially the revival of the act in aid, laying before them, at the same time, the bill which was then passing through the British parliament for effecting that object. He was directed to refuse any bill, in which any of the provisions of the act of 1834 having for its object the protection of the apprentices, or of the stipendiary magistrates should be omitted, or

in which any of those enactments should be contained, which had led the government to reject the second bill of the same year.

The general assembly met again on the 24th of May. The governor, in recommending to their earliest notice the renewal of the act in aid, told them, that, having been informed, by authority of more experience than his own, and to which it was his duty to submit, that the message of the 1st of February did involve a breach of the privileges of the assembly, which he had never contemplated, he had only to express his regret that it should have taken place. The House of Assembly, in its answer, expressed itself perfectly satisfied with the reparation thus made; and their address was, in other respects, almost an echo of the speech, for the speech had avoided everything but a general reference to the necessity of taking the aid bill into immediate consideration. The House, however, took alarm at the bill, which had been brought into the British parliament. On the 14th of June they voted a long address to the king, complaining of the unconstitutional outrage committed on their rights, by the introduction of a bill into the House of Commons to revive an act of their legislature, intituled "an act in aid of the abolition act," which had just expired. They asserted that all laws for internal regulation could be prepared and framed only in their own House; that this was a principle which they had always maintained, and which had always been conceded to them. They likewise went at great length into the history of the different acts in aid, and particularly of the last bill, which had been stopped by

an unjustifiable prorogation, in order to show that delay had never been occasioned by them. They insisted, however, upon their right to enact the measures best suited to carry the abolition act into effect, and denied that they had ever proposed a single provision which could be charged with having an opposite tendency. "That the success of this measure," said they, "will depend mainly upon the equity and wisdom of the laws which shall be provided to guide an ignorant population through so sudden and so mighty a change, the House presumes is not to be denied, and that to provide such laws, an intimate and thorough knowledge of the people is altogether indispensable. The House are deeply sensible how extremely difficult it will be even for them, with the fullest knowledge of the state of society, to provide laws and regulations which, under providence, may be the means of guiding the colony safely through the great approaching change; but if, in addition to the many other, almost insurmountable difficulties which present themselves,

the two classes which divide society, are to continue to be viewed as the oppressors and the oppressed, if the one class is to be distrusted, and the other specially favoured, and if the laws passed by the legislature of the colony, are to be viewed through this medium and sanctioned or rejected as they shall suit these views, then, indeed, is there little hope for the colony."

It was impossible, however, that the situation of the governor could now be a pleasant one, in constant contact with an unfriendly assembly, to which he had found it necessary to confess that he had treated them ill; it was a position, likewise, which was injurious to the dignity of his office. The marquess of Sligo either was recalled, or was allowed to resign. The governor of Barbadoes, sir Lionel Smith, succeeded in his place. The latter arrived on the island, and the former left it, in the beginning of September; the British parliament in the mean time, having passed the bill for reviving and continuing the act in aid of the colonial legislature.

## CHAP. X.

FRANCE.—*Opening of the Session of the Chambers—Settlement of the Dispute with the United States—Address in favour of Poland—Conversion of the Five per Cents.—Resignation of the Minister of Finance—Motion for entertaining the Conversion carried against Ministers—Resignation of Ministers, and new Ministry formed by M. Thiers.—The Question of Conversion Adjourned—Commercial Legislation—Beet-root Sugar—Finances—Resolution to Abolish Licensed Gaming-houses—Jury-law—Attempt on the Life of the King—State Trials—The Conspirators of April—Fieschi—Alibaud—The Days of July—Dissolution of the Ministry—New Ministry formed by Count Molé—Liberation of the Ministers of Charles X.—Death of Charles X.—Military Insurrections—Attempt on the Life of the King—Algiers—Military Operations against Abd-el-Kader—Expedition against Constantine.*

THE session of the French chambers for the present year was opened on the 29th December, 1835. The king delivered the following speech.

“Gentlemen of the Chambers of Peers and Deputies,—In seeing you once more assembled around me, I am happy to be able to congratulate myself and you on the situation of our country. Its prosperity increases daily; its internal tranquillity seems to be henceforth beyond the reach of attack, and secures its power abroad.

“The measures, which you adopted in your last session, have attained the object which we proposed in concert with each other; they have consolidated public order and the institutions of the country.

“I have been deeply affected by the sentiments evinced by the

nation for my family and myself, when, at a moment which it is painful to remember, Providence thought fit to preserve my life, which is for ever devoted to the service of my country.

“An expedition undertaken for the security of our African possessions has been carried on and brought to a close in such a manner as became the honour of France. I have seen with emotion the eldest of my race partaking the fatigues and dangers of our brave soldiers.

“I have reason to congratulate myself on the state of our relations with the European powers. Our intimate union with Great Britain becomes daily more close, and everything inspires me with confidence that the peace which we enjoy will not be interrupted.

"My government has continued, on the Spanish frontier, to take such measures as were best fitted for the faithful accomplishment of the clauses of the treaty of the 28th of April, 1834. I entertain the most ardent wishes for the internal pacification of the Peninsula, and for the consolidation of the throne of Queen Isabella II.

"I regret that the treaty of the 4th of July, 1831, with the United States of America, should not yet have received its complete execution. The king of Great Britain has offered to me and to the United States his friendly mediation. I have accepted it; and you will share in my desire that this difference should terminate in a manner equally honourable to two great nations.

"The state of the finances is satisfactory. The public revenue increases by the sole effect of the general prosperity. The laws of finance will be presented in a few days to the Chamber of Deputies.

"The laws which have already been announced, or presented to you, will also be submitted to your examination, as well as those which were reserved for the deliberations of the present session.

"I trust, gentlemen, that the moment is come for France to gather the fruits of her prudence and her courage. Enlightened by the past, let us profit by experience so dearly acquired: let us apply ourselves to calm the passions, to perfect our laws, to protect, by judicious measures, all the interests of a nation, which, after so many storms, presents to the civilized world the salutary example of a noble moderation—the sole pledge of durable success. The care of its repose, of its liberty, of its grandeur, is my first duty; its

happiness will be my dearest recompense."

In the discussions on the address, which was agreed to without much opposition, the attention of the Chamber of Deputies was principally directed to the quarrel with the United States and the condition of Poland. The former arose out of the delay or refusal of France to execute a treaty of 1831, by which she was bound to pay a certain sum, in certain instalments, as an indemnification for losses which American citizens had unjustly suffered at her hands under the empire. In our former volume will be found the manner in which the dispute had arisen, and the consequences to which it had led. The French chambers had passed an act, authorizing payment of the money, but not till reparation should have been made to France for what were considered to be menaces, contained in the messages from the president to Congress, touching this matter, and, in the meantime, she had "satisfied her own dignity," by recalling her minister from Washington. In December, 1835, the mediation of Great Britain was tendered; it was immediately accepted by France, and by the United States, so soon as the offer could reach Washington. Before that could happen, however, the message of the President to Congress in December, 1835, had been delivered, in which maintaining very properly and naturally that the United States were the injured party, that from them no explanation or reparation was due, and that he would never degrade his office by apologizing to a foreign power for the terms of communications passing between himself and the legislature, he observed no less naturally that "an

attempt to extort from the fears of the French nation anything inconsistent with its feelings of justice would have been futile and ridiculous." What America had said was very different. She said to France, you have broken faith with us; you have refused to discharge a debt which you were bound by a solemn treaty to pay; and while that refusal continues, we shall do what is necessary for our own honour, not by going to war to compel you to pay, but by placing our commercial relations with you on such a footing as, if it does not make it your interest to be honest, will at least shew that we wish to have as little as possible to do with persons who are not so. This was the substance of what America said; and accordingly, on the 15th of January, after this message had been delivered, the president sent down another to Congress, informing them that France still demanded an apology. He transmitted, likewise, the correspondence which had taken place, from which it appeared that the demand of the French government was in these words: "We will pay the money when the government of the United States is ready, on its part, to declare to us, by addressing its claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French government, nor to take a menacing attitude towards France. If the government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error." As America was deter-

mined to give no such assurance, the president recommended to Congress to pass an act prohibiting the entry of French vessels, or of French productions, into American harbours. On the subsequent arrival of the offer of mediation on the part of Great Britain, he recommended that any proceedings on this message should in the meantime be suspended.

The President's message of December, 1835, did not arrive in Paris before the king had pronounced his speech at the opening of the session on the 29th, but it had arrived before the committee on the address made its report, and the committee, therefore in echoing the paragraph of the speech upon this topic, said, that "the declarations contained in a recent act enable us at length to hope for a termination equally honourable to two great nations," instead of expecting this result, as the king had done, from the mediation of Great Britain. These declarations were the president's expressions in his message to Congress, that any attempt to extort from France, by force, what her sense of justice would deny, would be futile and ridiculous. This was something very different from the official declaration which had been required of the president: it was not even addressed to the French government; it was an observation addressed by the president to Congress; and, assuredly, general Jackson would have been much astounded at the idea, that, in using these words, he was giving the reparation which France demanded. It was construed; however, in France, to be full, sufficient, and explicit reparation, and thus ended a dispute in which the conduct of France was wrong in the be-

ginning, and not very dignified in the end. The opposition, accordingly, in discussing the address, were far from being satisfied with the government for bringing the matter to this termination. M. Bignon described the president's message as a bitter satire on the French ministry, as a lesson from a free people to a people who knew not in what freedom consisted. Yet M. Bignon had a very odd expedient of his own for settling the quarrel. He would have the treaty annulled—not that it should be radically annulled, but that, to save the honour of France, a fresh deliberation on the claims should be entered into, and some deduction, were it ever so slight, should be made from the amount. M. Salverte, too, thought that the president's last message could not be called a sufficient reparation to the insulted honour of France; for if it were true that the first message was a domestic act of the American government, of which France could take no notice, how could the French government, or a French Chamber, perceive the retraction of an affront in the second message, which, on the same principle, must be equally unnoticed? He was ready, however, to wave this argument, and to give his approbation to the paragraph of the address referring to America, in expectation of the explanations which government might think proper to furnish on that subject.

Poland is a favourite theme of declamation with the French orators, and would undoubtedly be a favourite field of action for French armies, if it were within their reach. The King had said in his speech, "our intimate union with Great Britain becomes daily more close." The address said in reply, our

intimate union with Great Britain is an additional guarantee for the duration of peace. It secures the duration and maintenance of rights conserved by treaties; the execution of which is of importance to the balance of power in Europe." The clause had been purposely so framed in reference to Poland; but the opposition insisted that Poland should be specifically named, and M. de Mornay proposed this amendment. "This happy harmony affords us a hope that, in concert with Great Britain and the powers whose interests are connected with ours, you may be able, Sire, to restore the European balance, so necessary to the maintenance of peace, and that the first pledge of it may be the preservation of the ancient nationality of Poland, which has been consecrated by treaties." The supporters of the motion did not propose that this should be followed up by anything; but they wished to have the word in, that the Emperor Nicholas might see, that the French deputies sitting in Paris were not afraid of him, or of speaking against him; and, moreover, said M. Odillon Barrot, "an explicit and solemn act of this nature will warn the Northern autocrat that the eyes of France are fixed on Poland, and that she loudly protests against the violation of the treaties of 1815, and the culpable aggressions of Russia." So it would; but *cur bono* that the northern autocrat knew the eyes of France to be fixed on Poland, except to make him increase every possible means of preventing her from coming there? The president of the council said, that the French government had already protested against the destruction of the nationality of Poland after

the suppression of the insurrection in 1831. If any person believed that the time for prudent reserve was past, and that war should be declared, let him say so; but if not, what was to be gained by an eternal repetition of mere protests, unworthy of the dignity of a great nation? He reminded them, besides, that, great as the calamities of Poland were, they might be augmented; and it became the chamber to consider whether proceedings like the present had any other tendency than to increase them.—Several ministerial members joined the regular opposition in support of the amendment, which was carried by a large majority. Ministers had not been very strenuous in their resistance, and did not consider the matter to be one in which their stability was at all interested. The address as a whole was carried by a majority of 246 against 67.

On the 14th of January, M. Humann the minister of finance made his annual statement of the national accounts. In doing so, although he did not propose any measure, he expressed a strong opinion in favour of reducing the five per cents. to a four per cent. stock, by paying off those who might dissent from the reduction and that the present was a favourable opportunity for so doing. Of the legality and equity of the measure there could be no doubt; for the rentes yielding five per cent. had not, upon an average, been issued for more than seventy-three francs for every 100, so that hitherto the state had been paying, and was now paying very nearly seven per cent.; and the value of this stock would have risen above 130, but for the circumstance that they could always be paid off at par. No man could

complain, who got back his seventy-three francs with twenty-seven francs more, having been drawing in the mean time interest at the rate of six francs eight cents. on what he really had advanced; and there was no reason why the state should continue to pay this rate of interest, when it could borrow money at much less than five per cent. The economical results of the plan were so palpable, that its opponents had nothing to urge against it except considerations which, though in a certain degree deserving of attention, should not be allowed to predominate over the great interests of the country.

This expression of opinion gave great offence to the prime minister and to some others of M. Humann's colleagues. Ministers had little reason to doubt that such a proposition would be agreeable to their own regular majority, but they felt all the weight of those "considerations" to which M. Humann had alluded. The five per cent. stock was used principally for investments; its holders were almost all to be found in Paris, in the class of shopkeepers and others who formed the National Guard. There was a strong disinclination, therefore, in the ministry to do anything which, by touching the pockets, might cool the patriotism of that numerous and important class. It had been agreed in the cabinet that no plan for the conversion should be proposed; but M. Humann who, on every occasion, had openly declared, in the chamber, the propriety and urgency of the measure, thought himself bound to state now that his views had undergone no change. The president of the council, however, and the majority of his colleagues blamed him highly for having gone so far in stating

his opinion, without having previously informed them of his intention, more especially as by doing so, and yet not proposing the conversion, he threw upon them the whole blame of keeping it back. M. Humann immediately tendered his resignation, which was accepted. On the 18th. of January, Count d'Argout was named minister of finance in his place.

On the same day, explanations regarding this occurrence being called for in the Chamber of Deputies, the ex-minister merely stated what he had done—that, his opinion of the justice, the prudence, the necessity of the conversion remaining unchanged, he had thought it his duty, when opening the budget, as he considered the period had now arrived for proposing such a measure, to prepare the public mind beforehand, on a matter of so much importance. The Duke de Broglie, while he regretted the loss of M. Humann, said, that it could not be avoided; for government could not be carried on without a proper system of unity in the cabinet; a diversity of opinion could not exist among the members of a cabinet upon a vital question, without injury to the government, and to the interests of the country. The question of the conversion had never been discussed in the council. M. Humann's opinions as to the immediate expediency of that measure were merely his own private views; but he unfortunately presented them in a shape which gave them the appearance of being those of the whole cabinet. This appearance, where the reality was wanting, rendered it imperative on the cabinet to explain, that the proposition made with regard to the reduction of the interest of the debt came solely from M. Humann, and this explanation he (the presi-

dent of the council) now gave. With regard to the question of the reduction of the five per cents., considered only with reference to itself, he had to say, that such a measure could be laid before the chamber only through the medium of a Government proposition to that effect, or of a proposition originating with the chamber. He was under the necessity of stating that government could not, during the present year, present such a proposition, nor could any precise period be named for its presentation. He had also to add, that should such a proposition be brought forward by any honourable member of that chamber, government would consider it a duty to oppose it.

But this measure did not more fully turn out a finance minister; it immediately gave M. Humann ample revenge by turning out the whole cabinet. The proposal was too reasonable and useful not to be a general favourite. The budget had been referred to the standing committees; and, although the conversion of the five per cents. formed no part of the budget, all these committees discussed it, and the result was, the manifestation of a great preponderance of opinion in its favour. On the 4th of February, M. Gouin brought forward a proposition that the house should proceed to take into consideration the propriety of converting the five per cent. stock. He did not mean to go into any details; he merely demanded the formal and positive concurrence of the chamber, in the principle of the reimbursement of the debt, in order that the uncertainty of the fundholders might be removed, and that the tax-payers might enjoy some hope of the speedy realization of a measure so favourable to their interests. He demanded that

ministers, who must be allowed to remain the sole judges as to the present expediency of the measure, should nevertheless be furnished during the present session with the legislative authorization necessary to enable them to act as soon as that expediency might be apparent. He, and the numerous members who spoke on the same side, insisted on the necessity of the measure, as being apparent from the mere inspection of the deficits which appeared in every budget. The budget for the public service of 1834, showed a deficiency of thirty-eight millions, afterwards reduced to ten millions in consequence of the transfer of twenty-eight millions taken on the 168 millions of the extraordinary resources which had been applied to 1833. The budget of 1835 presented a deficit of not less than twenty millions, deducting from the receipts of that year twenty-one millions, arising from the extra sales of woods. The budget of the present year, 1836, presented a deficit of very nearly ten millions, which would, in all probability, be doubled when the period arrived for presenting the accounts. The budget of 1837, which had been represented as showing a surplus in the receipts to the amount of 2,400,000fr., already showed, on the contrary, a deficit of several millions, in consequence of inaccurate estimates, which had been pointed out in the discussions that had taken place on that budget in the standing committees of the chamber. If, then, an annual saving of twenty or twenty-five millions could be effected by the re-imbursement of the debt, the only great measure of economy at once equitable and feasible, there was a clear necessity

for carrying into operation a measure, from which the agricultural and commercial interests of France would derive such incontestable advantage. The alleged injurious consequences to the fundholders in general, and especially to that class of fundholders who resided habitually in the capital, had been urged as an objection to the immediate realization of the measure; but, as those circumstances must constantly exist, it was evident that no advantage could be gained from the postponement of the operation. France now enjoyed profound peace both at home and abroad; there was no financial obstacle; the operation could be performed with safety and facility. Besides, the proposal was—not to pass an act, but to fix the principle, and even to leave it to the government to determine by a royal ordinance the period at which the conversion should take place.

The motion made on the other side was to adjourn the taking of the proposition into consideration—apparently a moving of the previous question. This was the motion supported by ministers and those of their usual adherents, who, on this occasion, did not abandon them. The principal speaker on this side was M. Thiers, the minister of the interior. He admitted that the proposed measure was founded on a right principle, involved an useful resource, and had been brought on by the progress of events; still, at the present time, it was impracticable. Ministers denied only the present fitness of the measure; they never thought of saying that it was not a just one; but when the principle, which was good in the abstract, came to be applied to facts,

then arose difficulties of which the government could not but take notice; and when ministers were called on to give a decided reply, he could only say, that, with the best will in the world, it was his duty, as a member of that government, to conceal part of the motives which led the cabinet to defer it. Instead of the expected saving, amounting to twenty-five or twenty-eight millions, he did not think it would exceed fifteen millions, and he could not find in such a saving sufficient compensation for the probable mischiefs. No doubt there were speculators ready to risk anything, because they possessed resources; but behind them were the small *rentiers*; and the greater part of the persons whose names were down in the books of the state were of that description, who had bought only about 100 francs of rentes; these could not be called speculators, and yet these were the very persons who would be sacrificed. The fundholders were so terrified at the result of the conversion, that they were ready to sell out at any price. It was true that in England, conversions of stock had taken place; but the two countries stood, in regard to this, in very different situations. In 1830, the great book of England contained 700 millions of rentes, which were divided into 274,000 portions, whilst in France, at the same period, the great book showed but 142 millions of rentes, divided into 295,000 portions distributed exclusively among the small proprietors. Thus, in 1830 the great book presented 295,000 portions, and of this number 226,000 fundholders were inscribed for small sums. Who would venture to deprive these fund-

holders of one-fifth of their fortune? The right to do so no doubt existed, but he contended that the measure was too odious to be carried into execution. It might be asked why men of intelligence differed as to the immediate expediency of a measure, the principle of which was acknowledged to be just? The reason was, that the measure fell heavily on 100,000 of the poorer classes spread over the whole surface of France. It was said, indeed, that as these circumstances would always exist, the argument went, not to delay the measure, but to declare that it ought never to be adopted. But a year, at least, would be gained, during which the fundholders might prepare themselves, and government might devise for them some compensation. If, by next year, government should not have presented a bill on the subject, the chamber could still exert its initiative privilege. Ministers, however, would enter into no engagement, either for next year, or for the ensuing years.

M. Humann mentioned as a fact that there were several banking establishments, whose credit was superior to that of the state; and he said it was a fallacy to estimate the number of holders of the stock by the number of portions or inscriptions, for he was ready to certify that many persons held seven, eight, and ten inscriptions each. He mentioned likewise, in regard to the facility of effecting a loan at low interest, that the bank held, at present, eleven millions in treasury bonds, and had offered to himself to renew them at two-and-a-half per cent. The grand point was to keep the great book shut, otherwise the prospect was most

gloomy for the credit of the nation. He knew that the revenue was insufficient for the demands upon it; and either there must be an increase of taxation or a saving which must be effected by the conversion of the five per cents.

After a two days debate, the chamber divided, on the 5th February, when government was left in a minority of two, 192 members having voted for adjourning the question, and 194 against it. All the ministers immediately repaired to the Tuilleries, and placed their resignations in the hands of the king. Great difficulty was experienced in constructing a new cabinet; it was not till the 22d. of February that the new nominations were announced. M. Thiers, the home secretary of the cabinet which the late vote of the chamber had driven to resign, was now prime minister, being president of the council, and minister for foreign affairs; Count Montalivet, who, in 1832, had succeeded Casimir Perier as minister of the interior, now succeeded M. Thiers in the same character. Count Argout continued minister of finance; M. Sauzet became minister of justice, instead of M. Persil; M. Pellet de la Lozere, minister of public instruction, instead of M. Guizot; and M. Pany minister of commerce, in place of M. Duchatel. Marshal Maison and Admiral Duperre continued at the head of the departments of war, and the marine. On his first appearance in the chamber in his new character, M. Thiers stated, that it had been found necessary to retain part of the former administration from the impossibility of forming an entirely new cabinet, but that they were all united upon the principles on which the govern-

ment had been conducted for the last five years. The very complexion of the cabinet, however, seemed to be borrowed from some compromise of the conversion question. M. Pany, the new minister of commerce, had been one of the principal supporters of M. Gouin's motion.

And so it proved. In consequence of the vote of the 5th of February, the motion of M. Gouin was referred to a committee. The report of the committee recommended, that the consideration of the measure should be adjourned, after a formal declaration of the right possessed by the state to pay off the holders of the five per cent. stock as soon as it might think proper. M. Thiers repeated his formal declaration, that government adopted the principle of the reduction, but did not think the present moment the most suitable for applying it. Ministers, he added, engaged to bring in a bill to that effect next session, unless any circumstances should, in the meantime occur to render such a step unadvisable. It did not appear clear, however, whether the reduction thus conditionally assented to was to be a reduction to four per cent. or only to four and a half. But in the warm and lengthened debates which took place, the merits of the question occupied much less attention than party objects. The ministry, and especially its new members, were violently attacked for inconsistency and apostacy. Why, it was asked, had the cabinet been changed upon this very question? The language held now was the very language which had been held by the former administration—that the principle was good, but the time was unseasonable, and that something might subsequently be

done at some time, if some other things did not stand in the way. They were precisely where they were before; this question on which a ministry had gone out, had gained nothing from the ministry which had come in. There was a great deal of truth in all this; but then the chamber rendered itself equally obnoxious to the charge, for it adopted the report by a large majority. As a contrary result must have compelled the new ministry to resign, they considered this vote as a declaration of the chamber in their favour.

The chamber continued to be devotedly wedded, in commercial legislation, to the system of prohibitions, or of protective duties amounting to prohibitions. Session after session they had refused to pass any general bill diminishing import duties, and all that had hitherto been done had been effected by royal ordinances, during the last recess.\* Even these deductions were too small to be considered as a departure from the system, and they were now submitted to the chamber to be converted into a law, so far as the chamber might think fit to sanction them. In the discussions which took place, it appeared that the large deductions given on such articles as shawls, silk-handkerchiefs, and some descriptions of yarn, proceeded more from the effects of smuggling, than from the progress of the principles of free trade. It was admitted, that, in order to put down smuggling, it would almost be necessary to employ one half of the population to watch for the protection of the free trader. In general, the items of the royal ordinances were adopt-

ed, the reductions which they established being in some instances diminished and in others increased. Even the differential duties imposed on the importation of coal were adopted, and their object openly avowed. These duties vary according to the part of the kingdom into which the coal is imported. At Bordeaux and its neighbourhood, the duty was fixed at only thirty-three cents.; at Nantes, and the adjacent ports, at sixty-six cents.; but at Havre, Rouen, and all along the Northern coast, at no less than one franc ten cents. The object of this was to favour the introduction of the coal of Belgium, by excluding English coal from all the harbours through which it might be supplied to the northern and north-eastern parts of France. It was argued, too, that it would be imprudent to be exclusively dependent on England for coal, which would soon become the case, if the duties were everywhere the same; and the president of the council and the minister of commerce maintained that it was the interest of France to receive part of her coal from Belgium, which could never be formidable to her, rather than from England with which she might some day be at war. On some species of iron, the royal ordinance had reduced the duty to twenty-two francs sixty-five cents.; the chamber reduced it to twenty francs, sixty-five cents., but even this was equivalent to prohibition. So great was the love of protection, that a motion to increase by twenty-five per cent. the duty on foreign marble was agreed to, and in a discussion during the session regarding the application of money voted for public buildings, it was made grave matter of charge against the

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\* Vol. lxxvii. p. 392.

government, that foreign marble had been used, instead of French marble, for the July pillar.

Under the continental system, France began to manufacture sugar from beet-root, to supply the place of the colonial article. From small beginnings it had grown to so much importance, as to interfere most injuriously with the importation from the colonies. The colonial sugar was taxed; the home-made sugar paid no duty, and it became necessary either to reduce the duty on the one, or to tax the other. Government having preferred the latter alternative, the minister of finance introduced a bill for that purpose. He described it as a measure absolutely necessary for the interests of the treasury and those of the colonies, which would shortly be ruined, unless a duty was laid upon home-made sugar. In the year 1828 this species of sugar formed only a sixteenth of the sugar consumed in France, but at the present moment it actually amounted to a third of the entire consumption. It appeared from the documents the minister referred to, that the manufacture of four-fifths of the beet-root sugar was confined to four departments, and employed a considerable number of persons in those places. The object of the government was to protect the treasury and the colonies, by laying on a duty which would not press too heavily upon the home manufacturer. He proposed, therefore, to lay a duty of 15fr. upon every 100 kilogramms (200lb.) of beet-root or other home-made sugar. One provision of the bill allowed excise officers the power of entering at any time into the manufactories of beet-root sugar, and exercising a surveillance therein,

the proprietors being obliged to keep a room on purpose for them. Every clause of the bill was received with disapprobation, and the clause last mentioned raised an uproar. The bill, however, did not proceed, the committee upon it having recommended the adjournment of the question, and a general inquiry into the sugar trade.

The budget for the year amounted to 1,027,058,018fr. (41,082,320*l.*); the budget of receipts was apparently of equal amount, but it was maintained that there would undoubtedly be a deficiency, the receipts being overstated, and the expenditure understated. This was the view of the reporter of the committee himself, who fairly stated that, large as was the sum voted for expenditure, it would probably be increased by various expenses which he considered were but too certain, and the budget of 1837 would be like its predecessors of 1835 and 1836. The budget of 1835 presented a surplus of 19,791,467fr. realised in anticipation of the receipts. In reality, however, the ordinary resources of the public service for that year were not sufficient to cover the expenditure, for which provision was made by means of an extraordinary credit of 21,275,616 francs. available on sales of forests. The results of the budget of 1836 would be still more unfavourable than those of the preceding budget. The supplementary credits demanded already amounted to upwards of 32,000,000, and it was by no means probable that these fresh expenses could be covered by an increase of revenue. The deficit for 1836 he estimated at 23,000,000fr. Much of the mischief was attributed to the practice of granting supplementary credits without looking

from what source they were to be supplied; and it would be right to provide that, in future, any minister, demanding a supplementary credit, should point out the ways and means by which it was to be covered.

In such a state of the finances, another attempt made to abolish the licensed gambling houses was unsuccessful. Various petitions were presented for their abolition; frightful pictures were drawn of the crime and misery which resulted from these establishments, and were admitted on all hands to be correct. But the licensed gambling houses yielded a revenue of 5,500,000fr. (220,000*l.*), and M. Thiers asked the chamber how they were prepared to fill up the gap which would be made in the budget by withdrawing this sum from it? The minister of finance likewise contended that to abolish the licences, and prohibit the gambling houses, would not cure the evil, and the philanthropic views of those who wished to sacrifice the revenue to morality would be disappointed. Such establishments were illegal in England, and yet this did not prevent the existence of fifteen or twenty of them in London. M. D'Argout forgot that, in London, and in consequence of the law, these establishments do not publicly throw open their doors, presenting seduction and opportunity to every unwary or unsteady youth who may pass. This item of the budget was at last allowed, but with an amendment, that gaming houses should cease to be licensed, and should be strictly prohibited, after the 1st of January 1838.

During the discussion, in September 1835, of the new laws regarding judicial procedure, which

were thought to be rendered necessary by the Fieschi plot, much had been said of the intimidation frequently addressed, in open court, to the jurymen by the friends and associates of prisoners on trial for political offences; and certainly scenes had taken place in French courts, which were as insulting to the dignity of justice as they were inconsistent with its impartiality. It had then been announced by the government that they intended, on a future occasion, to introduce a bill directing that the jurymen should give their opinion in secret. That bill passed during the present session, not without opposition, but by a large majority. By this law, every jurymen was to give his individual opinion in writing to the foreman, who, after collecting and examining them, was to proclaim the result as the verdict of the jury.

The session closed on the 12th of July. Only a few days before its termination, Paris was alarmed with another of those desperate attempts against the king's life, to which political fanaticism gave birth. On the afternoon of the 25th of June, the king, the queen, and Madame Adelaide, entered their carriage at the Tuileries in order to return to Neuilly. The windows of the carriage were down; and as it was passing through the gate leading to the Pont Royal, a man, who had been standing by a post in the court, raised a cane-gun and fired at the king. The shot did not take effect. His majesty, it was said in the indictment, happened at the moment to be bowing to salute the national guards under arms, and the ball passed only four lines above his head, and entered one of the angles of the carriage, settling an inch deep in the wood.

The assassin was immediately seized. By a singular coincidence, the officer commanding that post of the national guard was the very gun-smith from whom he had got the cane gun six months before. He had not noticed the criminal, till he stepped forward on the carriage coming: he apprehended nothing, but was thunderstruck on seeing the cane raised, which he recognised, and sprung forward to strike down the arm, too late to prevent the discharge. He immediately seized him struggling to draw a dagger. The assassin was a young man named Alibaud, a beggarly profligate cheat, but a great political regenerator, who declared that the men of the present day were too much corrupted by selfishness to understand the motives by which he had been actuated. He had only two regrets—one that he had missed the king, and the other that he had been seized before having time to dispatch himself. A medical man having remarked to him in the guard-house that his head was throbbing violently, he answered "It throbs not with fear, but with regret at not succeeding." The occurrence was followed by numerous apprehensions of young men on suspicion of being connected with secret societies, and the gun-smiths' shops were swept of all prohibited weapons.

During the session of the chambers, the peers had not only been performing their legislative duties, but had likewise been occupied with their functions as a supreme court of justice for the trial of all crimes committed against the state. In our former volume\* we have noticed the commencement and

progress of what was called by the opposition the monster-trial; being the trial of all sorts of persons, from all parts of France, charged as being members of illegal political societies, and as plotting to establish a republic on the ruins of the throne, or as having been connected with the riots which disturbed Paris in 1834. During the preceding year, by far the greater number of the cases had been disposed of. On the 22nd January in the present year, the chamber finished the proceedings regarding the remainder of those of the accused who had appeared. Two, one of them an American born, who were convicted of an attempt to change the government, and of exciting the people to take up arms against the royal authority, were sentenced to transportation, which amounts, as France has no penal colonial settlement, to imprisonment for life. Eleven other persons were found guilty of having been accomplices in these attempts, by aiding in the execution, or by advice and instruction, or by procuring arms. Two of them were condemned to ten years imprisonment, and to remain, after their liberation, under the surveillance of the police; one to five years imprisonment; four of them to three years; and the rest to one year's imprisonment. The other prisoners, six in number, were acquitted. On the following day, the proceedings finally closed by sentence being pronounced against the accused who had not appeared. The most distinguished of those was M. Ludre, formerly a member of the Chamber of Deputies, and the gentleman who, until its suppression, had been editor of one of the most republican of all newspapers, the *Tribune*. They were

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\* Vol. lxxvii. p. 396,

both condemned to transportation for life.

So soon as the court had brought this long investigation to a conclusion, it proceeded to another of still more striking importance, in the trial of Fieschi and his accomplices for the attempt to murder the king, and for the murders actually committed by the infernal machine, on 28th July, 1835. The proceedings began on the 30th January, and were not concluded till the 15th of February; the first four days being entirely occupied with that operation of French criminal justice, which to us appears so anomalous, the examination of the accused parties in presence of the court. Five prisoners were placed at the bar, Fieschi, Morey, Pepin, Boireau, and Bescher. The charge was abandoned against the last, for it rather appeared from the evidence, that although this person was acquainted with the accused, Bescher was one of the aliases under which Fieschi used to pass, and that thus the former had come to be involved in the charge. Fieschi himself, whose conduct and language had sometimes the air of a madman, and at other times exhibited only the most disgusting levity, frankly admitted the charge to its full extent; and if anything proceeding from so consummate a ruffian could be believed, there was as little doubt of the guilt of his accomplices. He denied that the idea of killing the king and his sons, which he admitted to have been the object of the explosion, originated with himself, or that he had ever been a republican; he said, that he had been drawn into it by his two associates, as being a man of action, while they, he said, "were much beneath me; they

were not equal to my worth."

According to him, Pepin and Morey laid the plot along with him; supplied him with money to purchase the necessary materials; and Morey assisted him in loading the machine the night before it was fired off. According to the evidence of a mistress of Fieschi, there could be no doubt of Morey's guilt; for he told her immediately after the explosion had taken place on the 28th of July, how the matter had been arranged; and it was clearly proved that he had immediately supplied her with money to get out of the way, and that immediately before the crime was perpetrated, he took charge of Fieschi's trunk. It was farther clearly made out, that he went along with Fieschi to purchase the box in which the gun-barrels were conveyed to the lodging of the latter, and that he was very particular in examining its length, in order to be sure that it would serve the purpose. The evidence against Pepin, who seemed to lead a quiet orderly life, but who was a member of the society of the Rights of Man, was much less strong; and, setting aside the declarations of some of his fellow-prisoners, consisted in his having denied an intimacy with Fieschi, which was clearly proved, and having left Paris in order to conceal himself soon after the attempt, rather than in anything positive which he had done. He, and Morey, and Fieschi, were proved to have been associates about the time when the attempt was made. He was said to be the conspirator who got a person to ride backwards and forwards in front of the house, in order that the instrument might be duly pointed. But this, too, rested principally on the state-

ments of another of the prisoners, Boireau. The case of Boireau himself was a singular one; he was convicted on clear evidence of having done that, which, if it had been attended to, would have prevented the execution of the crime altogether. He was the person who was to ride along the Boulevard, that the instrument might be properly levelled. On the evening of the 27th he stated all the particulars to a young man of his acquaintance, without mentioning any name; this young man immediately communicated the information to the police; but of the inferior authorities of the police some laughed at him, others treated him rudely, while the superior authorities were confident in the efficacy of the searches which they had made, and the precautions which they had taken. Fieschi was found guilty of the actual murders and attempt. Morey and Pepin were found guilty as accessories, by having plotted the crime along with the actual perpetrator, and acted along with him in purchasing arms and instruments for its execution; and Boireau as an accessory, in having knowingly aided and assisted the author of the deed in the facts which prepared and facilitated it. The first three were condemned to death, the last to twenty years' detention, that is, imprisonment with hard labour. On the 19th of February, Fieschi, Morey, and Pepin were guillotined. Fieschi continued to the last a desperate and unfeeling braggard; and, to the last, Morey and Pepin maintained their innocence.

The court was not allowed to rest for want of practice. On the 8th of July, Alibaud was brought to his trial for shooting at the king on the 25th of June. His

counsel objected to the trial proceeding, on the ground that by the code of criminal instructions, and the law of 1835, passed after the Fieschi conspiracy, it was required that a prisoner should have ten days' notice of trial after the date of the act of accusation, which interval, in the present case, had not been allowed to elapse. The procureur-general answered, that this enactment applied only to cases which came before the ordinary courts of criminal justice; but the court of peers, being an extraordinary tribunal, and invested with sovereign power, was not bound by such a regulation. This answer the court held to be good, "taking also into consideration, that the prisoner has had sufficient notice and time to prepare for his trial." Alibaud, like Fieschi, admitted everything. He had gone to Barcelona, he said, in 1834, to assist in establishing a republic, and had returned to France on purpose to shoot the king. He had entertained this design, ever since the king had declared Paris in a state of siege—ever since his reign had become a reign of blood and infamy, in which he trampled under foot all his own promises, and all the liberties of France. He had never belonged to any political societies, and he had no accomplices. When asked for what he had intended a poniard which was found upon him, when he was seized, he answered, "for myself." On the 11th of July he was beheaded, little more than a fortnight after he had committed the crime.

His execution was immediately followed by the annual celebration of the three great days of July, out of which days arose all the feelings which led to these repeated attempts at regicide, and gave

the whole of society the appearance of sleeping on a volcano. Paris was adorned and amused with the usual variety of shows and pageantry, but the king was advised not to perform the annual ceremony of reviewing the national guards. This determination was founded, not merely on the recollection of what had happened at the same review the year before, and the more recent attempt of Alibaud, but also on the various alarming rumours which were keeping Paris in agitation, and which probably owed their origin, in no small degree, to what had already happened. Now the rumour was, that banded desperados, armed with knives were prepared to rush upon the king; then it was confidently said, that many inferior officers of the line had connected themselves with the republicans; and, again, the fidelity of the national guards themselves was not to be trusted. The result of the investigations instituted by the police was, that ministers stated to the king, that if he persisted in attending the review, contrary to their unanimous opinion, they would feel it their duty to resign. Whether it was to this representation, or to the fears of domestic affection, the king gave up his resolution. This step necessarily threw Paris at first into consternation; because it was naturally ascribed to the discovery of some very certain and dangerous conspiracy, while the military and the national guards were indignant at what they considered a libel on their fidelity. In the month of October, a number of persons, one should rather say boys, were sent to trial before the royal court, charged with having been engaged at this very time in

conspiracies against the life of the king, and the safety of the state, striking police officers, illegally detaining arms, and forming unlawful secret associations. That the burden of trying a plot, which had produced such an effect, was not imposed on the court of peers, seemed to prove that it was not considered to be of very deep or dangerous consequences. In December, two young persons were brought to trial before the court of assizes, accused of a plot against the life of his majesty, which had led to his determination to absent himself from the review. The stripling conspirators said in their defence, that they had meant nothing serious, but only to frighten the coward at the head of the government; and the jury acquitted them, so ridiculous did the whole matter appear. A more marked feature of the times was to be found in the fact, that several persons were convicted of illegally and clandestinely manufacturing gun-powder, and being members of illegal associations.

If the Parisians were deprived of the parade of a review, they were immediately supplied with a new topic of interest in the dissolution of the ministry. This event was not produced by anything connected with the internal state or policy of France, but by her foreign relations. France, a party, like England, to the quadruple treaty, had hitherto confined her efforts against Don Carlos to sending into Spain the African legion, a body composed principally of foreigners, and preventing, or promising to prevent, military stores and ammunition from being imported into Spain across the frontier; Louis Philippe thinking it best to leave the contending

parties to fight it out amongst themselves. In the end of July and the beginning of August military insurrections on different points of Spain, spreading with a rapidity too powerful to be resisted, created juntas calling for the establishment of the old democratic constitution of 1812. A similar insurrection in the capital, or rather at St. Ildefonso, compelled the queen regent to consent that this constitution should be proclaimed, to change her ministers, dissolve the Cortes which had just been elected and had never met, and to convoke a new legislative body. The knowledge of these events at Paris produced a schism in the cabinet. M. Thiers, and the majority of his colleagues, insisted that it had now become necessary that France should interfere with vigour and efficacy. If this military insurrection and democratic constitution were left to march unimpeded, many Spaniards might be driven into the arms of Don Carlos; unless Don Carlos, already coping successfully with her in the field were taken off her hands, the queen regent could oppose no successful resistance to the march of this new rebellion; and if the friends of the existing government, and those of the constitution of 1812, arrayed themselves against each other, Don Carlos might be the winner between both. The king, however, having resolved to adhere to what he deemed his own more safe and prudent course of policy, M. Thiers, on the 25th of August, gave in his resignation. His example was followed by the ministers of war, the marine, justice, commerce, and public instruction: count Montalivet, the minister of the interior, and M. D'Argout, the minister of finance,

retained their places. M. Guizot having failed in framing a new cabinet, the task was entrusted to count Molé. There was a great deal of shifting of places before the new structure was completed towards the end of September, and considerable difficulty was experienced in finding a minister of war, Marshal Soult, to whom the office was offered, having refused to accept it. Count Montalivet and M. D'Argout, too, found it necessary to remove to the intendancy of the civil list, and the governorship of the bank of France, to make room for a new minister of the interior and of finance. Count Molé himself was president of the council, and minister for foreign affairs; M. de Gasparin, minister of the interior; M. Persil resumed the seals which he had quitted with much reluctance in February; general Bernard was made minister of war, and admiral Rosamel, of the marine; M. Guizot again became minister of public instruction; and the procureur-general, M. Martin du Nord, found himself, not a judge, but minister of commerce; and M. Duchatel, who had lost the ministry of commerce in February, was now, in September, minister of finance. M. Thiers left Paris, and went to travel in Italy.

The first acts of the new ministry were acts of grace. During the session propositions had come more than once from the opposition side of the Chamber of Deputies, that a general amnesty should be granted for all mere political offences, but it had never been pressed, because it had been answered that so general and indiscriminating a measure was not prudent or safe, and that it should be left to the government to judge

of times and circumstances. In the beginning of October, a royal ordinance appeared, which discharged from farther punishment sixty-two individuals therein named, who had been condemned for political offences, still placing them, however, under the surveillance of the police. This was followed by another act of the same kind, regarding a more important class of persons. Since 1830, the ministers of Charles X. had been pining, for six years, in their severe and insalubrious imprisonment at Ham; and we have mentioned, in our parliamentary history, the sentiments expressed in the British House of Commons, regarding a detention which seemed now to serve no purpose of justice, while it appeared to be in reality a sentence of lingering death. The king, by a decision of the 17th October, directed M. M. Peyronnet and Chantelauze to be liberated, and to reside on their parole, on their own estates. The order bore to be granted, "at the solicitation of these two prisoners," whose health is seriously altered; and this was said to be the reason why it was extended to them alone: Prince Polignac and M. Guernon de Ranville, having refused to petition the king, lest they should be thought, by doing so, to recognise his title as king of France. This was a very unmeaning scruple. By asking the king to give them liberty, they merely acknowledged that he had power to detain them in prison if he chose. The two captives, however, applied to be removed to a *maison de santé*. On this application the king ordered that M. Guernon de Ranville should be allowed to reside on his parole, on his own estate, and the sentence

which had been pronounced against prince Polignac, was commuted into banishment from France for twenty years.

Perhaps this event was accelerated by the death, a short time before, of the master in whose service, or imagined service, the prince had incurred all his misfortunes. Charles X., in consequence of a severe attack of dysentery or cholera, breathed his last at Goritzia, on the 6th November, in the 79th year of his age. During his exile he had borne his misfortunes with dignity and equanimity, never obtruding them on public notice, or parading himself as a great object of compassion. His attendants, with vain affection, repeated, as he expired, the old cry of France, *Le Roi est mort, vive le Roi*. *La France*, a Parisian journal, in a long article upon this event, styled the duke and duchess of Angoulême, king and queen of France and Navarre. It was immediately prosecuted on a charge of attacking the constitutional order of the succession, and adhering to a form of government different from that established by law. The editor was sentenced to three months imprisonment, and a fine of 300 fr.

Military insurrections now took their turn, with attempts at a direct assassination—if the term insurrection could be applied to the wildest pranks that madmen could play. Prince Louis Bonaparte, as he continued to be named by courtesy, was a nephew of Napoleon, and son of Louis the ex-king of Holland. He had received a military education in Berne, was admitted an honorary citizen of the Swiss republic, and was now a captain of artillery in the

Swiss service. He had formed a correspondence with colonel Vaudrey of the garrison of Strasburgh; the colonel had seduced a few men in some of the regiments of that garrison, and had persuaded Louis Bonaparte that he had only to show himself to raise a military movement, which would lead him to the throne. Early on the morning of the 30th October, prince Louis appeared at Strasburgh, dressed in an uniform somewhat resembling that which his uncle used to wear, adorned with decorations and the *cordon rouge*. Accompanied by Vaudrey, he proceeded to the barracks of the artillery, of which the latter was colonel. The colonel told his men that a revolution had been accomplished in Paris—that Louis Philippe was no more—that Napoleon II., the descendant of the “great man,” had been proclaimed—and that here, presenting prince Louis, was Napoleon II. The dupes shouted for the new emperor, and followed him and their commander. They arrested the prefect in his bed, and placed a guard upon him. One body of the mutineers, led by a colonel Parquin, then marched to the house of general Voirol, the commander of the division, informed him of the news, and requested him to do his duty to the new emperor. The general addressed the soldiers and soon succeeded in convincing them that they had been imposed upon. Being set at liberty, he immediately secured the citadel. In the meantime, the new emperor and his colonel had proceeded to the barrack of the 46th regiment, to repeat the same farce. But an aid-de-camp of general Voirol, who had made his escape, while the general was

haranguing the soldiers, gave notice to the colonel of that regiment, who hastened to the barrack, in which he found the prince and his followers endeavouring in vain to seduce the men. The gates were immediately closed, and the whole party arrested. General Voirol having likewise arrived from the citadel after liberating the captive prefect, the mutineers and their leaders were safely lodged in prison. The other persons implicated were detained for trial; but prince Louis was allowed to go to the United States, and a French frigate sailed with him from L'Orient on the 21st November.

This was a military attempt to establish an empire; but, on the very same day, and almost at the opposite extremity of France, another military conspiracy, which had for its object to erect a republic, was discovered at Vendome. The leader was an under-officer of a hussar regiment stationed in that place, of the name of Bruyant; and it did not appear that the army with which he intended to begin so great an undertaking, consisted of more than nine or ten men, that being the whole number of his companions whom he had been able to dupe, and one of them proved a traitor. He expected, however, that the whole regiment would join them. The officers were to be arrested, the rights of man were to be proclaimed, which would bring all the people to their side; then the workmen were to be armed; the army would march upon Tours, and adherents would flock in from every side. They met in an inn in the afternoon finally to arrange their plot, drank a good deal of wine, sang some merry songs, and Bruyant read to

them his intended proclamations. They then returned to their barracks till the hour of action, which was fixed for the same evening. Two of their number, however, had revealed the plot, and Bruyant, on returning to the barracks, was immediately apprehended and interrogated, but while his things were being searched in his presence, he suddenly ran to his bed, and, taking two pistols from under his pillow, escaped out of the room. A sergeant fired at him, but missed him. Brigadier Barrieux, who was coming up stairs when Bruyant was going down, attempted to arrest him; Bruyant discharged his two pistols at him and killed him. In the confusion Bruyant found means of effecting his escape out of the barracks, swam across the Loire, dried his clothes at a farmer's house, and having vainly solicited the parish priest of a neighbouring village to give him an asylum, he returned to the barracks, and surrendered himself a prisoner, in order, he said, to assume the whole responsibility of the plot, and share the fate of his accomplices. They were brought to trial before a court-martial at Tours, in the beginning of December. Bruyant and a comrade who had escaped, were found guilty — 1st, of having formed a conspiracy, having for its object the overthrow of the government of the king, and to proclaim the republic, which plot was followed by acts committed or commenced with a view to carry it into effect; 2nd, of having called on their comrades, on the evening of the 30th of October last, to take arms against the royal authority, and uttering the cries of "Liberty for ever!" "To arms!" in the interior of the barracks.

They were condemned to death. The other two were convicted of having been accomplices, and were sentenced to five years' imprisonment; the rest were acquitted.

The year, was not allowed to conclude without Louis Philippe being exposed to another of those dangers, from so many of which he had already escaped. On the 27th of December he proceeded in state from the Tuilleries, to open the session of the chambers for the following year. The royal carriage, which was proceeding slowly on account of the depth of the snow, had not advanced far beyond the gate of the Tuilleries, when a shot was fired into it from among the crowd behind the national guards, who lined the street. The king again escaped. The ball entered through one of the windows, which were shut in consequence of the severity of the weather, and the duke of Orleans, who sat beside his father, was cut on the ear by the broken glass. The troops of the line and of the national guards rushed towards the spot from which the shot had proceeded; and a young man, who was believed to be the person who had fired it, was seized. It was some days before it could be ascertained who he was, till an uncle recognised him by reading the description of his person in the public papers. The royal cortège stopped for an instant, when the shot was fired; but it immediately proceeded: and the king delivered his speech to the chambers, where the intelligence of this new crime had preceded him, with great calmness and composure. In that very speech he had to read a paragraph alluding to the attempt of Alibaud, within a few minutes after having escaped from a similar danger.

Burdensome and expensive as France had now found her African colony of Algiers to be, her legislators could not be brought to listen even with patience to any proposition for giving it up. The committee on the budget had recommended, to diminish the expenses of the war department, by reducing the Algerine army from 22,000 men to 19,000. This was not a good way of raising the question ; for, if the colony was to be retained, it was generally admitted, and facts compelled the admission, that the greatest of these numbers was far from being more than the defence of the country required. In the course of the discussion, however, the prudence of retaining or abandoning the colony was started, but the small number of members who counselled the latter course were answered with exclamations, if not with arguments, for they were addressing most unwilling auditors of such a proposition. The ministry, again, declared that government had adopted a firm resolution to retain permanent occupation of Algiers and its dependencies.

Abdel Kader was the most active and persevering of the Arab chiefs whom they had yet had to encounter in their new conquest. In the end of the preceding year, marshal Clausel, at the head of the French army, had been able to destroy his capital of Mascara ; but they found it necessary immediately afterwards to return again to the coast, and the emir, who valued not the destruction of African towns, was left at liberty again to concentrate his forces and to act on the offensive. Accordingly, in the very beginning of the present year, the marshal found himself compelled again to take the field against his indefatigable opponent. Abdel

Kader had advanced so far as to have taken possession of the town of Tlemecen, to the south-west of Oran, by far too great a proximity for the safety or comfort of the French establishments in that direction. To dislodge him, therefore, from this position, the whole of the corps which had formed the expedition against Mascara, left Oran, under the immediate command of marshal Clausel, and took the road to Tlemecen. They arrived before the town on the 13th, and entered it without opposition ; the emir with his usual prudence, having evacuated it on the approach of an army which he could not resist, and withdrawn five leagues into the interior, where he chose a favourable position to pitch his tents, and watch the farther movements of his opponents. On the 15th, a detachment of the French army was sent against him ; he declined giving them battle ; the French cavalry pursued, but they could not compete with the Arab horsemen, and were compelled to stop in consequence of the exhausted state of their horses, and the detachment returned to Tlemecen. On the 25th, the marshal sallied forth at the head of two brigades, one regiment, and some artillery, on a reconnoitring expedition in the direction of Rahgoon. Near the confluence of the rivers Tafna and Isser, he fell in with strong parties of mounted Arabs, with whom shots were exchanged. On the 27th the hostile parties had thickened considerably, and began to be very troublesome, their whole number being estimated at 8,000 men, 5,000 of whom were Maroqueese auxiliaries. They attacked with a great deal of impetuosity, and their superiority in numbers

might have enabled them to gain important advantages, if they had not been kept at bay by the artillery. No decisive blow could be aimed at them, nor was it Abdel Kader's intention to allow it to be aimed, and the marshal again returned to Tlemecen. He then received deputations from the neighbouring chiefs, assuring him of their desire to be at peace and in alliance with France. Having accomplished thus much, the marshal set out on his return to Oran, on the 7th of February, leaving in Tlemecen a garrison of 500 men, and having named as its governor the son of a bey devoted to the French. He reached Oran on the 12th of February, having been closely followed, during the first four days' march, by a large body of Arab cavalry. Thus the expedition left the emir no weaker than he was before, except that he was not posted in the town of Tlemecen.

Accordingly, in a short time, Abdel Kader had so strengthened and posted himself as to interrupt the communication between Oran and Tlemecen, which implies that he was more forward than when he was in possession of the latter of these towns. A new expedition was necessary in order to dislodge him. For this purpose, general Arlanger (marshal Clausel having returned to France) marched from Oran in the month of April, at the head of 3,000 men, and eight pieces of ordnance. Abdel Kader attacked him on his march, on the 15th of April. He was repulsed, and with considerable loss, according to the French accounts, while they stated their own loss at only ten killed and seventy wounded; but general Arlanger was compelled to stop, and post himself in an in-

trenched camp at the mouth of the Tafna. On the 25th he made a reconnoissance into the gorges of the Tafna, at the head of 15,000 men, and by his artillery drove the Arabs from a small camp; but, on his return, they closed in upon his rear, kept up a well-supported fire from the surrounding heights, and laid him under the necessity of halting several times to repel their attacks. He had thirty-three men killed, among whom were three officers, and 180 wounded. The Arabs were said to have had 2,000 men put *hors de combat*. Their loss very probably might be greater than that of the French, but we must remember that this is a contest in which all the accounts come from one side. The emir, Abdel Kader, issues no bulletins—publishes no moniteurs. The result was, that the French army was hemmed up in its camp, which the artillery rendered it impracticable for the Arabs to attack. General Arlanger was under the necessity of sending for reinforcements, but no troops could be spared from any part of the Algerine dependencies.

Abdel Kader employed himself in attempting to raise the friendly or neutral tribes around him, to join him in driving the strangers from the coast. By a sudden attack on Medewh he carried off its bey, who had been appointed by the French; and sometimes undisciplined bands of his own allies harassed the camp, but the artillery always repulsed them. Thus matters remained till the French government, informed of the state in which this army was placed, and that no reinforcements could be obtained from any of the occupied points on the African coast, sent out 4,000 fresh troops, under the command of general Bugeand,

An engagement ensued between Tlemecen and the Tafna, which was obstinately fought; and, in its results, compelled Abdel Kader to withdraw again into the mountains, having himself received two wounds, and had a horse killed under him. The French accounts stated the loss of the Arabs at 1,000 men, and general Bugeand sent to France 318 prisoners, said to be the first taken in the course of the war, and six Arab standards.

In the more easterly province of Bona, the French had another enemy in Achmet Bey. Frequent reverses had not been able to reduce him, and it was thought necessary to take his capital Constantine. This, however, was an expedition which required a considerable force of all kinds, and was not to be undertaken rashly. Marshal Clausel, who resolved to take it under his own direction, obtained the consent of the French government to it, when he was in Paris; and the Duke of Nemours, one of the king's younger sons, was sent to share in its dangers and glories, as the Duke of Orleans had joined in the expedition against Mascara. The marshal having returned to Africa in the end of July, occupied himself in preparing all things necessary for the enterprise, while large reinforcements arrived from France. The expedition was one of about forty leagues into the interior. There was much rugged country to be passed, and some difficult rivers to be crossed; all the means and appliances, therefore, were collected, which could insure the object of the enterprise. Achmet Bey, aware of the danger with which he was threatened, prepared to meet it. He did not shut himself up in the town, which he

left under the command of his lieutenant, Ben Haissa; but he introduced an additional garrison of between 1,200 and 1,500 Turks and Kabyles, who were resolutely determined to defend the place.

The marshal left Bona on the 13th of November, at the head of 7,000 men of all arms. On the 15th the army, after ascending a passage called the Col de Mouard, which presented great obstacles to the progress of the baggage, arrived at Guelma, where they reposed and refreshed themselves till the 17th. At Guelma, which is about half way between Bona and Constantine, the marshal found numerous ruins of ancient Roman buildings, particularly of a citadel. He took advantage of these to form an intermediate military post, sufficiently strong to be safe from the Arabs, and left in it as a guard about 200 men, who were already too much fatigued to complete the rest of the way. The army again marched on, the 17th at day break, and soon reached Medjaz Amar, a very difficult ford across the Seyboure, the passing of which occupied a great deal of time, and in the afternoon they arrived at the foot of the celebrated Col de Raz el Akba, or "the Cut-throat Pass." All around were still perched on the inferior summits, the ruins of Roman works, showing with what care they had secured the mastery of this difficult and important point, and the Arabs were convinced that the invading army would find it impossible to pass it with their cannon, ammunition, and stores, and perhaps for this reason they did not attempt to defend it. The mountain and the gorges were now carefully examined; and while the army spent the night at the foot

of the mountain, the engineers were employed in tracing out and forming a road. This was completed in the course of the 18th, and on the afternoon of that day the army passed the Col without having lost any part of its baggage, artillery, stores, or ammunition. On the 19th they encamped at Oned Tenati, situated in the most elevated region, and less than two days' march from Constantine. Here, during the night, rain, snow, and hail fell so constantly and abundantly, that they were exposed, in the words of the marshal, to all the rigours of a St. Petersburg winter, while the ground resembled, in the eyes of old officers, the mire of Warsaw. On the 20th, the army, with the exception of the baggage and rear-guard, reached the monument of Constantine, where it was forced to halt. The cold became more severe; no fuel was to be obtained, many of the men had their feet frozen during the night, and many perished. The baggage having come up, they crossed the river Mezroug on the 21st. It had overflowed its banks; the infantry were up to the waist in water, and several of the draught-horses were drowned in the passage—a loss the more serious as the deepness of the roads rendered it necessary to double the number of horses yoked to the baggage waggons to bring them forward. In a few hours afterwards they reached the plateau or table-ground of Mansoura, under the walls of Constantine.

Constantine, which although now greatly reduced in trade and population, was even in the latter half of the last century a large and flourishing town, is strongly defended by nature. A wide and

very deep ravine, at the bottom of which runs the Oued Rammel, presents a scarp and counterscarp of perpendicular rock, equally inaccessible by mining and bombardment; on the other side, the river protected it as a fosse. It was immediately seen that a regular siege would be required. This was an operation which circumstances did not allow, the cold and snow still continuing, and it being impossible to bring forward the field artillery, which was buried in mud up to the naves of the wheels on the plateau of Mansoura. Part of the infantry having crossed the river, carried the heights of Kou-diat Ati on the opposite side, notwithstanding the resistance of the Kabyles by whom they were defended, and the fire of two pieces of artillery from the town; but as it was still found utterly impracticable to bring forward the heavy artillery, nothing remained but to storm or to retreat. Not more than 3,000 men were said now to be under arms. With such guns as could be moved forward, one of the gates, called El Cantara, was battered during the 22nd. During the night colonel Davirier, at the head of a battalion, burst open the gate; but it was found that there was an inner inclosure equally strong, and the assailants were forced to retire with considerable loss. To carry this inner gate, however, was the only chance of success that now remained. The necessary preparations were made for putting forward the sappers and the picked companies which were to follow them. The attack was fixed for the night of the 23rd; and, in order to divide the attention of the garrison, a simultaneous assault was to be made by the troops who had carried and

were posted on the heights of Koudiat Ati. On the approach of night the attempt was made; but the unintermitting and destructive fire kept up by the garrison threw the sappers into confusion almost before they had begun their labours; the men who carried the ladders were killed and wounded; it was found necessary to abandon the attack, and draw off those of the men engaged in it who still survived. On the side of Koudiat Ati, the French had not been more successful. In every assault they were repulsed, with the loss of many of their men, and some of their best officers.

Nothing now remained for marshal Clausel than to give up his enterprise, and find the best of his way back to Bona. He employed the rest of the night, therefore, in collecting his troops, and on the 24th the retreat began. The remains of the army did not reach Guelma till the 28th, and night and day they were harassed by

the attacks of the ever-active Arabs. The marshal acknowledged, that on the first day, at least, the retreat was very difficult; but other accounts made the matter much worse, and represented it as being not a retreat but a rout. The wounded were said to have been left behind from the impossibility of bringing them off, and to have been massacred by the Arabs. Provisions had failed even before the retreat began; horses were wanting to draw the artillery, and ammunition, and baggage waggons, and the means of transport for the weary and wounded had either been entirely destroyed or were miserably scanty. The sick were left at Guelma, of which the garrison and the works were strengthened, and marshal Clausel, with the bare skeleton of his army, returned to Bona to dictate a dispatch, which began with the words, "The expedition against Constantine has not had complete success."

## CHAP. XI.

SPAIN.—*Massacre of Carlist Prisoners at Barcelona—Attempt to proclaim the Constitution of 1812—Discussions in the Cortes on the Electoral Law—Ministers are left in a minority, and dissolve the Cortes—Military operations in Navarre—Useless movements of the Christinos, and unpopularity of their Commander—Military movements in the other Provinces—Atrocities committed on Prisoners—The mother of Cabrera, a Carlist chief, shot—Reprisals by Cabrera—Capture of towns on the coast by the Carlists—The British naval squadron instructed to act along with the Christinos—The British Legion returns to St. Sebastian—Successful attack on the Carlist lines before St. Sebastian by the Legion and the Fleet—Futile operations of Cordova—Schism between Mendizabal and Isturitz—Opening of the newly-elected Cortes—Large majorities in favour of the Administration—Motions regarding the sale of the property of the suppressed convents—New Electoral Law—Ministers ask the Queen to dismiss the heads of the military service—The Queen refuses, and the Ministers resign—Isturitz is appointed Minister—The Procurados recal the vote of confidence—Financial embarrassments of the new Ministry—Increased by the progress of the Carlists—Expedition of the Carlist General, Gomez, into the Asturias and Galicia—Military insurrections, and proclamation of the Constitution of 1812 at Malaga, Cadiz, Saragossa, Seville, Valencia, and other towns—Disturbances in Madrid suppressed by Quesada, and the National Guards disarmed—Military insurrection at San Ildefonso—The Queen is compelled by force to proclaim the Constitution of 1812, and form a new Administration—Occurrences in Madrid—Quesada murdered by the populace—New Cortes directed to be chosen according to the Constitution of 1812—Forced loan—Expedition of Gomez into Andalusia.*

THE present year opened in Spain with one of those exhibitions of atrocity, which unfortunately had now become anything but rare. Catalonia, like some other provinces which were not the seat of the more regular warfare, was exposed to the inroads of different bodies of Carlists, who carefully avoided any general action, and whom Mina, therefore, had been unable to put down, but who were often successful in cutting off isolated bodies of the queen's troops, carrying particular posts, plundering towns, and raising contributions. The warfare between these bodies and the

troops was not waged with any greater regard to the dictates of humanity than in the other parts of the peninsula. On the 3rd of January intelligence arrived at Barcelona, that a large body of Carlists, retreating before Mina, had taken post in a fortified castle, carrying along with them a number of prisoners whom they had recently made, most, if not all of whom, were inhabitants of Barcelona. Mina having laid siege to the castle, the Carlists relieved themselves of their prisoners by throwing them from the ramparts: it was even added that they fired at them as they fell. Nearly at the same time that the inhabitants of Barcelona learned this savage barbarity, they likewise learned that a company of national guards, and of a regiment of the line, escorting the mail on its way to Madrid, had been surprised, and many of them put to death, by some of the Carlist bands. It was not wonderful that public exasperation should have been excited in Barcelona, but it showed itself in acts of still more deplorable atrocity. On the morning of the 4th, groups of people assembled in the public places, uttering cries of 'Death to the Carlists,' 'Down with bad government,' and giving evident symptoms of a tendency to revolution. Towards evening the crowd increased, and having proceeded to the residence of general Alvarez, who commanded during Mina's absence, insisted that the Carlist prisoners, detained in the forts, should be delivered into their hands for instant execution. The general proposed to have them tried the following day by a council of war, to be formed of the officers of the national guard; but this more slow

and regular mode of vengeance did not suit the sanguinary disposition of the multitude, who had now been reinforced by several detachments of national guards. They proceeded in a body to the citadel, armed, and furnished with scaling ladders; and as they met with no resistance from the governor of the garrison, they immediately became its masters. The governor was compelled to deliver up a list of all the persons confined as Carlists, and point out the place of their imprisonment. A horrible massacre ensued. Colonel O'Donnell was the first victim. They then shot or bayoneted about eighty more, amongst whom was a canon of the church, and a lieutenant-colonel, a Frenchman. The several battalions of the national guard, although drawn up, refused, to a man, to act against them; nay, a company of the 12th battalion caused about fifteen prisoners who were in the Atarazanas to be delivered into their hands, and shot every one of them. The body of O'Donnell was burnt, and his head paraded through the streets. Even the sick and wounded confined in the hospital were taken out of their beds, and shot in the court yard. While all this was going on, neither general Alvarez, who was commandant of the town, in the absence of Mina, nor any other of the constituted authorities, civil or military, made the slightest effort to prevent or to interrupt the massacre. The commander of a British ship of war in the roads offered to land his men to prevent it, but the offer was declined by the governor.

Matters did not stop here; from blood the mob proceeded to politics; they had begun with shouts for the constitution, as well

as for murder. During the night of the 4th and on the 5th of January, they paraded the streets in armed bands, with drums beating, crying out for the constitution of 1812, and they were joined by at least some of the national guard. On the evening of the 5th, they solemnly set up and inaugurated the stone of the constitution. Two sentinels were placed on each side of the pillar, and lighted torches were planted around it. A battalion of the national guards was drawn out, and seemed prepared to defend the constitutional column with their arms. The commandant of the battalion proceeded to the quarters of general Alvarez, who had as yet taken no step against the mutiny. He told the General that all resistance would be useless—that the national guard had assembled in mass in the square, and had determined to proclaim the constitution. The commandant of the cavalry of the national guard gave a different account, and desired the governor to come out to the square and judge for himself. The governor, who at first hesitated, decided at last to proceed to the square, but even before doing so, he sent one of the officers of his staff to parley with the officers of the battalion. The commander of the British man of war, again offered, it was said, to land a body of men to assist the governor in putting down the rioters. Thus encouraged, General Alvarez was at length induced to suspend his negotiations, and assume a firmer tone. The consequence was, that all the cavalry of the national guard came over to his side, and two-thirds of the battalion of infantry followed their example. While the troops were defiling, the governor ordered the

flambeaux which surrounded the Lapida to be extinguished, and it was removed from its pedestal. The people dispersed; order was restored; some of the rioters were arrested; and the presses of an insurrectionary newspaper were seized. All this could be done to prevent an expression of political opinion, but no part of it could be done to prevent the cold-blooded massacre of more than an hundred defenceless men. Nay, in an apologetic address from the municipality to the queen, that body actually said, "Though the day of the 4th exhibited one of those spectacles which too often accompany revolutions, the 5th presented a scene still more deplorable:"—yet, in little more than six months, this "deplorable scene" was one which they themselves, and men like them in almost every province of Spain, insisted on performing, and performed successfully.

It was under circumstances, and amid sentiments like these, that the Cortes were continuing their legislative labours at Madrid. We left them at the close of last year,\* about to engage in the discussion of the new electoral law, of which we then gave an outline. The principal question which arose regarded the qualification of the electors. By the bill which government had proposed, the electors were to consist of those persons who paid the greatest amount of taxes, at the rate of 100 for each deputy. Thus if a place was entitled by its population to return only one deputy, the electors would be, in the first place, the hundred persons who paid the greatest amount of taxes; if it was entitled to return two deputies, the electors

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\* Vol. lxxvii. p. 458,

would consist of the 200 persons who paid that highest amount; and in all cases, when this list of highest tax-payers was once formed, all those who paid as much as the lowest in the list were to be added. Without going into the merits of this scheme of qualification, it was one of direct election. The committee upon the bill, however, who had been principally guided by Arguelles, had recommended, in order to widen the basis of the representation, that the lower classes of rate payers should be admitted by indirect election, thus producing a mixed system. When the question came before the chamber, the government stood neutral, Mendizabal declaring, that the plan which the chamber preferred should be adopted by the cabinet. A warm and somewhat angry discussion ensued, the plan of the committee being supported by Arguelles, Alcala Galiano, and Las Navas, while the principle of a purely direct election was maintained with great vigour by Martinez de la Rosa. The scheme of the committee was rejected by a majority of 97 against 42. An article, which proposed, that legal practitioners, physicians, surgeons, painters, and certain other classes of persons, should be electors in virtue of their professions, was likewise rejected, except in towns containing a population of 100,000, or upwards.

To these alterations the government made no decisive objection, but a more fatal contest took place in regard to the mode of election. By the ministerial bill the votes were to be taken in districts, but the representatives were to be those of the provinces, each elector in every district voting for all its members. On the other hand, it

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was proposed, that the members should be representatives of electoral districts, as well as that the votes should be given in districts; in other words, that each electoral district should have its own members. This latter plan was recommended by the committee on the bill, and was likewise supported by Martinez de la Rosa, as insuring a truer representation, and better securing all local interests. The minister insisted on retaining his own original proposition. He said, that although the amendment was contrary to his own ideas, he would not have been disinclined to adopt it, if it had been at present practicable. Much time and great information would be required in order to enable the government to make a proper division of the provinces into electoral districts. Thus it would be impossible to satisfy the wishes of the country, and fulfil the promise of soon convoking the next Cortes, on the convocation of which so much depended. The original article, however, was rejected, and the provision for having district elections was adopted, by a majority of 71 against 66, fifteen members having abstained from voting.

This vote was passed on the 24th of January. Whether the ground, on which the minister was stated to have opposed it, was the true one, or whether he felt uneasy that now, when the vote of confidence had been passed, the majorities in his favour were sometimes too small, and that sometimes he was in a minority, on the 26th of January, the Cortes were dissolved, thus interposing another interval before any proposed electoral law could again be even taken into consideration. The new election was directed to take place on the 26th

[2 A]

of February, and the Cortes to meet on the 22nd of March, the preparatory meeting to be held on the 17th. The contest was represented as being one between the ministry and an anti-liberal party; but it would be difficult to find that distinction in the particular subject which had led to the dissolution, for it does not appear that the wants and the sentiments of a particular district or county will be less faithfully exhibited by its own particular representative, than by a man who does not feel himself to be their representative more than that of any other portion of an extensive and populous province.

The great source of embarrassment in Spain was the state of the finances; the pressure on the finances again arose principally from the existence of the civil war; and the military operations, although bodies of foreigners had now been called in to the aid of the queen's troops, held out no better promise than formerly that the contest would soon be brought to a termination. At the end of the preceding year general Cordova and the royal army, along with general Evans and the British volunteer legion had taken up his position in Vittoria and its neighbourhood, no farther advanced than when the war began. The Carlists, at whose head general Eguia was now placed, occupied the heights of Arlaban, about four leagues from Vittoria. In the middle of January, the Queen's army having been reinforced by the arrival of a considerable number of Spanish troops, and the French African legion, Cordova resolved on making an attempt to dislodge the Carlists, and lay open the road into the heart of Biscay.

The attack was made on three different points on the 16th of January. Cordova himself led the centre attack, which was directed against Arlaban: General Evans and the British auxiliaries moved on the right by Guevara and Salvatierra: Espartero advanced on the left to oppose the Carlists under Villareal, who occupied the extreme right of their position. On the 16th of January accordingly, Cordova attacked the heights of Arlaban, succeeded in carrying them, and maintained himself upon them during the night. On the following day, however, Eguia, having received some reinforcements, made a strong and successful effort to regain his position. According to his own account, the Carlists carried it at the point of the bayonet; according to Cordova's account, the Carlists were repulsed in this new attack; but the result was, that Cordova either was driven from, or found himself compelled to abandon, the ground which he had gained, and on the 18th he returned with his troops to Vittoria. General Evans, in the meantime, had succeeded, on the 16th, in driving the Carlists from the villages which he had been directed to attack, the enemy falling back on the fortified heights behind them. On the 17th, he crossed the Zadorra; but learned next day that his left was exposed by the retreat of the centre body of the attack under Cordova. He likewise was therefore constrained to return to his former positions, and Espartero had already retreated on the 17th and 18th. Thus the enterprise ended in nothing. The royalists were again at Vittoria, and the Carlists remained as they had been. Cordova was said to have

had 200 men killed and wounded ; the British force had two men killed and twenty wounded, including in the latter three officers. The failure of the attack, from which, as Cordova was superior in force, much had been expected, occasioned great dissatisfaction at Madrid. The commander was accused of having made his advance on the 16th, when he could not be supported by the columns on his right and left, whereas the plan fixed upon had been that he was not to attack till the 17th, when the other two columns would have been prepared to take the enemy in flank. He was accused of having done this from feelings of jealousy, that he might deprive the foreigners of any share in the expected honour ; and he was further charged with having left general Evans's column in ignorance of his retreat, in order that the uncovered flank of the auxiliary legion might be overwhelmed by the Carlists. The English general acquitted him of so treasonable an act. It appeared that the officer dispatched by Cordova to inform Evans of his intended retrograde movement was prevented from proceeding by intervening parties of the enemy.

In Catalonia, Lower Arragon, and Valencia, the warfare was that of guerilla parties, not presenting any system of combined movements, nor any operation of importance. The Carlists, or the bands who assumed that name, avoided all general engagements, but seized all opportunities of cutting off small bodies and collecting plunder. Among them the laws of war were still less observed than by the armies in the North : mutual butchery, like that which took place in Barce-

lona, was not confined to the capital of Catalonia. In the beginning of February, the patrols of the Carlists captured some men of the British legion in the neighbourhood of Vittoria. They were ordered to be shot, in conformity to the decree of Don Carlos of the preceding year, by which he had declared that he would not treat as prisoners of war foreigners who were not fighting under the commission of their own governments. Another Carlist patrol carried off four English lancers from the very gates of Vittoria (so closely were the royalists hemmed in), and they shared the same fate. The lives of five other English prisoners, who had been taken in Biscay, were saved, because they belonged to the band and did not carry arms. Cabrera, the most active of the Carlist partisans in the South, had put to death the Alcaldes of two small villages in Lower Arragon. The mother of Cabrera, an old woman nearly seventy years of age lived at Tortosa. Nogueras, who commanded the queen's troops in the neighbourhood, ordered the governor of Tortosa to seize the old woman, and put her to death in retaliation for the deeds of her son. The governor refused to comply with this monstrous command, on which Nogueras applied to Mina, the captain-general of Catalonia. Mina directed that the orders should be immediately executed, and the old woman was actually shot in one of the public places of Tortosa. The universal horror excited by this atrocity occasioned strong remonstrances to the cabinet of Madrid on the part of the foreign powers who still maintained their correspondence with it. Nogueras was deprived of his

command. Mina excused himself on the ground, that the old woman had been engaged in a conspiracy to deliver up the castle of Tortosa to the Carlists: that for this offence she had been tried by a court-martial and condemned to be shot: and that, although the application made to him by Nogueras coincided in time with the judgment of the military tribunal, it was only under the latter that the sentence had been executed. If it was so, it is difficult to see why Nogueras should have been punished; and if it was not so, it is not easy to see why Mina should have escaped, except that the government was weak, and that Mina was strong in his popularity. He tendered his resignation, but it was not accepted. Cabrera took vengeance into his own hands. He immediately issued a sort of proclamation directing every person serving in the army of the queen, or employed by her government, who might fall into the hands of his troops, to be put to death; and he began his reprisals by ordering the wives of four officers, who unfortunately were in his power, to be shot. To these several others were soon added, for he declared that thirty at least must fall to expiate the murder of his mother.

After the failure of the attack by Cordova on the Carlist positions at Arlaban, the queen's army remained quartered at and near Vittoria, without attempting any further operation. The Carlists occupied this interval in making themselves masters of various small towns, which strengthened their position, or gave them a more complete command of the coast between St. Sebastian and Bilbao. In February they took

Balmaceda and Plencia, and, in the beginning of April, they captured Lequitio. On all of these occasions they made prisoners, and obtained considerable supplies of arms. In Plencia they found eleven pieces of artillery; in Lequitio they found eighteen, and made seven hundred prisoners. No vigorous attempt was made to stop their progress on the coast, or to drive them from their positions in the interior; the queen's generals apparently being perfectly satisfied to avoid defeat. Espartero having been despatched to cover the march of some reinforcements sent to Espeleta, in the direction of Balmaceda, Eguia, at the head of his Carlists, tried to cut off the former in his return to Vittoria. This brought on some fighting near Orduna on the 19th of March, which ended, according to custom, in both parties claiming the victory. Espartero, however, was successful in so far as regarded his object of rejoining Cordova. But the merely defensive position of the army at Vittoria, while the Carlists kept the field, and captured towns, only added to the general dissatisfaction. The Carlists, besides keeping Cordova in check, were directing their views against Bilbao and St. Sebastian, and one object which they sought to gain by taking the small towns between these two places was to prevent assistance being sent by land from the one to the other. Matters seemed to be becoming so critical, that the British government thought it right to lend more active assistance than it hitherto had done. In the month of March, instructions were sent out to lord John Hay, who commanded the British squadron on the coast of

Biscay, to give the queen's general the actual and effectual co-operation of his squadron, "for the purpose of protecting from capture those sea-ports which were still held by the authorities of the queen, and also with a view to assist in recovering from the rebels any places on the sea-coast, which might have fallen into their hands." The squadron had on board a large body of marines, which was subsequently reinforced, and some armed government steam-vessels were attached to it, a species of force peculiarly adapted for coast operations and bombardments. To insure still farther the protection of the ports of Biscay and Guipuscoa, the greatest part of the British legion separated from Cordova's army, in the month of April, and marched to Santander, from which it was conveyed by sea to St. Sebastian.

The division of the Carlist army which lay before St. Sebastian was commanded by Segastibelza. It was not sufficiently numerous to blockade the town, to which access was always open by sea, and it was destitute of all the means necessary to undertake the siege of so strong a fortress; but by its vicinity it occupied the attention of a strong garrison which might have been otherwise employed, and it secured the country in its rear. It was strongly posted within a series of entrenched lines, upon a long succession of eminences close by the town, the road to Hernani running through their centre. On the 5th of May, general Evans resolved to carry these lines, as a prelude to clearing the country of the Carlists as far as the French frontier. His force consisted of between six and seven

thousand men, of whom 1,500 were Spaniards; the rest belonged to the British auxiliary legion. The attack was made early in the morning in three columns. The first line of the entrenchments was carried immediately. Part of the attacking force then pushed back the enemy's right, while the Spanish Chapelgories and two regiments of the legion advanced against the centre of the position; but the Carlists kept up so incessant and mortal a fire, that the head of the column was beat back after thrice attempting to penetrate the line. On the right, likewise, all the efforts of two brigades of the legion, supported by two Spanish regiments, to carry the last line of the entrenchments, proved fruitless. They made repeated assaults, and all of them with great bravery; but the Carlists remained steady behind their works, pouring forth a constant and murderous fire, assisted likewise by the nature of the ground, which presented to the assailants a steep ascent. After a struggle of nearly five hours, it began to be doubtful whether the royalists would not be compelled to retire, when the naval force came into play. The squadron of lord John Hay landed a reinforcement of two regiments from Santander, and opened a heavy cannonade on the last line of the Carlist entrenchments. This bombardment made a breach in the entrenchments which decided the issue of the day. Through this opening the troops entered, and the enemy, after an obstinate resistance, were driven from every part of their works, and compelled to take up a new position at a greater distance from the town, with the loss of their commander, who was

mortally wounded. The loss on the part of the assailants was very severe, amounting to upwards of a thousand men killed and wounded. The British legion alone had between eight and nine hundred killed and wounded, including more than seventy officers, ten of whom were killed in the field. Except the confidence which it gave to the men, by fairly bringing them for the first time into contact with the enemy, this great loss did not produce any counterbalancing advantage. The enemy's works, indeed, were carried and destroyed, but a new position was immediately taken up by them not far in the rear of the former. The royalists did not even advance so far as Hernani, the garrison of which was forthwith strengthened by three fresh Carlist battalions. The duke of Wellington afterwards described, in parliament, the only effect of the operation as being to remove the blockade of St. Sebastian a mile or two farther off, and to give the inhabitants more space and security for their evening walks. On the 28th of May, a similar attack, aided by the effectual fire of the British squadron, enabled the royalists to regain possession of the small town of Passages, on the opposite side of the Urumea from St. Sebastian. The troops crossed on a bridge constructed by the British seamen.

Cordova, likewise, shook off his inactivity, but only, according to custom, to do something which ended in nothing. On the 21st of May, he marched from Vittoria to assail Eguia in the same positions of Arlaban which he had attacked in March. After several successive engagements, on the 21st, 22nd, and 23rd, he suc-

ceeded, on the last of these days in carrying the position, and established himself at Salinas, the enemy, as he said, being completely routed. But this completely routed enemy attacked him on the 24th, and although he maintained his ground, after a severe engagement, he found it necessary to trust to his former positions. Leaving his army to the command of Espartero, he hastened to Madrid, where the political warfare had been going on more actively than that of the field.

The elections to the new Cortes had taken place without much public disturbance, and produced a chamber altogether favourable to the minister. Only one member of the majority, which had outvoted him on the electoral law, was again returned. Mendizabal laboured to complete his administration before the meeting of the Cortes, but without success. He had reckoned on Isturitz, the former president of the Procuradores; a man of determined and energetic character, and supposed to be even more liberal than himself; but Isturitz declined to accept of office, although his reasons for refusing were not very distinctly explained. At the preparatory meeting of the Cortes on the 17th of March, he was elected temporary president of the Procuradores almost unanimously, only one vote being given to the other candidate, Gonzales. In the following week, when the chamber came to appoint its permanent president, after the session had been opened, he had the smallest number of votes of all the candidates, and Gonzales was elected by a large majority. This sudden change was produced by

his continued refusal to become a member of the Mendizabal ministry. People knew that he was desirous of office; they therefore ascribed his refusal to personal ambition; they inferred, that he would soon shew himself an opponent of the existing minister; and, entertaining this conviction, they could not tell into the arms of what party he might throw himself, in order to insure a triumph. It is instructive, likewise, to remark, in reference to what happened a few months afterwards, that plots were said to have been formed to re-establish the constitution of 1812; that this was a joint-scheme of the Carlists and ultra-liberals, with the latter of whom Isturitz as yet was numbered, in order to produce confusion, in which both of them hoped to find their account. It was urged, therefore, that the only minister, who was considered capable of controlling both, ought to be strongly supported; and, that all, who were inclined to resist or displace him, should be vigorously put down. If Isturitz was not an oppositionist already, all this was sufficient to make him one.

The Queen Regent opened the session with a speech from the throne, on the 22nd of March. Her majesty informed the Cortes, that the new electoral law, for the consideration of which they had specially been convoked, would immediately be laid before them; but, that other important matters connected with the internal state of the country, would likewise be brought under their notice. She eulogised her army in the north, of which she was advised to say, that, "whenever the enemy was to be found on foot, the civil war

would soon be terminated." The vote of confidence given by the last Cortes, had not been acted on, so as to impose any fresh burden on the state. By issuing decrees for dissolving monastic orders, and disposing of their property, public credit had been benefitted; and an assurance had been given to the creditors of the state, that the government was determined to fulfil all its obligations. Great improvements were in the course of being introduced into every branch of the financial system—all of them the result of much meditation and study. A code of penal law, and of criminal instruction had been completed; a civil code was now undergoing a last revision; and a commercial code would appear along with it.

The Proceres voted an address which echoed the speech. The address proposed by the committee of the Procuradores bore the same character, but it produced a debate of several days duration, from which it was difficult to ascertain what were the real points of difference between the parties. It was clear that there was a party, headed by Isturitz and Galiano, determined, if possible, to unseat Mendizabal; but it was far from being so clear in what respects their intended policy was to vary from his own. The minister was blamed for the continuance of the civil war, which he had long ago promised would be at an end in six months, and for the often-repeated disturbances which alarmed the interior of the kingdom. He was called on to produce the estimates of the year, although the vote of confidence had rendered that measure unnecessary; and it was insisted that the Cortes should be put in

possession of all the financial operations of the government. No topic was more warmly discussed than the propriety of calling in the aid of a French army. Public opinion was strongly opposed to such a step, and ministers declared that they would never have recourse to it, till every effort, which Spain herself could make, should have failed. On the other hand, it was believed that the new opposition were desirous to obtain the benefit of the direct intervention of France, and were not unwilling to see the war take such a course as would render that intervention indispensable: not, indeed, that these designs proceeded from any wish to see Carlos and despotism enthroned in Madrid, but that they were the result of personal ambition, which expected that the introduction of a French army would secure the power of the Spanish politicians with whom it should have originated. No imputation could attach greater odium to a party in Spain: and the opposition began already to be ranked with the *Afrancesados*, or friends of France. This, again, laid them under another suspicion, still more irreconcilable with their former conduct and professions. If there were liberals in Spain, Galiano and Isturitz ranked amongst their foremost. The latter had been anxiously sought after by Mendizabal, up to the very opening of the session, to form part of his administration; and while he declined office, he had assured the minister that he would support his measures, "providing they are of a progressive nature." Nay, as the session approached, the anticipated opposition had been regarded as ultra-liberal, and resolved to change

the royal statute into something much more democratical; and now they were accused of wishing the intervention of a French army, in order that they might use it as an instrument to prevent the establishment of liberal institutions. But, whatever might be the motives and designs of the opposition, it was lamentably weak in numbers. In the course of the discussion on the address, it ventured to divide only twice. One took place on the paragraph of the address which alluded to internal disturbances, and the ministry had a majority of 102 against 10. The other took place on an amendment moved by Isturitz, that the estimates should be laid before the Chamber, in order that the state of the finances might be known, and ministers had a majority against this amendment of 97 to 17, four members having abstained from voting. Some hasty expressions used by Isturitz, during the debate, led to a duel between him and Mendizabal, but both of them came off unhurt.

During the interval between the dissolution of the last Cortes and the convocation of the present, Mendizabal had issued certain decrees for the sale of national property, that is, of property which had been seized by suppressing the monastic orders, and curtailing religious establishments. He considered himself entitled to do this under the vote of confidence, which authorized the government to make proper arrangements for the amelioration of public credit, but it was now maintained that these decrees should be laid before the Cortes for their approval. In the lower Chamber a petition to this effect

was moved to be presented to the queen, signed by twenty-four members. They described the decrees as endangering the safety of the crown, by exciting agitation in the provinces, and furnishing Don Carlos with pretences to gain adherents to his cause. At all events, they were matters of too much importance to be withdrawn from the power of the legislature which was now sitting. The short delay required for their discussion could not produce inconvenience to the government; and if the decrees were approved by the Cortes, the object of the government would be more certainly gained, for the property would sell at much higher prices, when the title of the purchaser was to rest on a legislative enactment. On the other hand, if the government refused to submit these decrees to the approbation of the Cortes, an impression would be produced that it feared they would be rejected; and so long as that fear was not removed, the property either would not find purchasers at all, or would be sold at a very low price. Mendizabal did not await the discussion of this motion; confident, probably, that the overwhelming majority, which he had gained on the address, would support his decrees, he laid them before the Procuradores, who remitted them to a select committee. But he opposed, with all his influence, a motion made in the Chamber of the Proceres to petition the queen to suspend the operation of the decrees till they should have been sanctioned by the Cortes. The minister maintained that the suspension would be injurious to public credit, as this property was a fund for the payment of debt, or

of interest on debt; and he gave the Chamber to understand that the government, which was not bound by a mere address of only one Chamber, would still follow its own course. The address, however, was carried by a large majority.

On the 25th of April, the new electoral law was presented to the Chamber of Procuradores. Its general provisions were the same as those of the former bill, although it was modified and altered in some of the details. The representation was to be provincial, each province sending a deputy for every 50,000 of its population. Cuba was to have eight members; Puerto Rico, five; and the Philippines, four. The electors, again, were to consist of such a number of persons as would be equal to 160 for every deputy whom the province was entitled to elect. The franchise was likewise given to practitioners in law and medicine of a certain number of years practice; to architects, painters, and sculptors who were royal academicians; to professors in any public institution for education, except mere masters of primary instruction and of languages; to government officers enjoying an income of 24,000 reals, (almost 240*l.*) if in Madrid, and half that sum if in the provinces; to all military and naval officers of the rank of captain and upwards; and to the chiefs and captains of the national guards. The qualifications of a deputy were, that he should be a Spaniard, twenty-five years of age, and an inhabitant householder, possessing an income of 6000 reals (60*l.*) per annum, or paying 500 reals (5*l.*) in direct taxes. Only the half of these sums was required in the

case of persons who were entitled to be electors in virtue of their profession alone. The lists of electors were to be made out by the provincial deputations, and published annually for fifteen days, from the 1st to the 15th of July. For the purposes of election, the provinces were to be divided into districts, with convenient polling places. The electors in each district were first of all to choose a president and four scrutineers from among their own number, under whose auspices the election should proceed. Each elector was then to write on a polling ticket the names of as many candidates as the province was entitled to return deputies. The result was to be certified by the president and scrutineers, and sent to the capital of the province, where the members elected were to be declared by a second general scrutiny of these district returns. In case of equality, the election was to be decided by lot.

The bill was remitted to a committee. The committee reported, and the report, which was in favour of the bill, had been agreed to by the Procuradores, without much discussion, when a change of ministers led at once to the establishment, by means of military insurrection, of a very different electoral law, and suppressed the royal statute in all its parts. We have already mentioned the general dissatisfaction which prevailed at the unsuccessful issue of the military operations; and the suspicions which were entertained that Cordova, if not favourable to the Pretender in his heart, at least made no active and hearty use of the force with which he was entrusted to put him down. Even an advantage gained by the

British Legion on the 5th of May, in the neighbourhood of St. Sebastian, only increased the odium which attached to him; for, much more important successes, it was said, might have been gained on that occasion, if he had not wilfully kept aloof from co-operating with the auxiliary force. Quesada, the captain-general of Castile and commander of the guards, and San Roman, the inspector of the militia, were placed in the same class. Mendizabal and his colleagues, convinced that the war would not be vigorously prosecuted so long as Cordova commanded, and Quesada and San Romano had almost exclusive influence in the appointment of officers, urged the queen regent to remove them from their situations. It is impossible to believe that her majesty had any wish that Carlos should be able to drive her from her throne; but she refused to dismiss these officers; and as she persisted in that refusal, Mendizabal and his colleagues tendered their resignations on the 14th of May. Their resignations were accepted, and a new ministry was formed on the 16th, principally from among the adherents of the scanty opposition. Isturitz was president of the council, and minister for foreign affairs; Alcala Galiano was made minister of marine; the duke of Rivas became minister of the interior. The finances were given to Aguirre Solarte, the banker, and the war department to general Seoane; but the last two were named in their absence, and neither of them accepted office. The ministry of war was subsequently given to Mendez Vigo.

It was manifest that such a ministry could not continue in office in the face of a chamber

which had supported the former cabinet almost unanimously, and which had even refused to take the new premier for its president. When the chamber met on the 16th, the day on which the new ministry was announced, three resolutions were moved:—1. That the extraordinary powers granted to the government in the last session by the vote of confidence have ceased since the opening of the present Cortes. 2. That if the actual Cortes be closed or dissolved, without having voted the taxes, none can be required from the day on which they shall be dissolved or closed. 3. That all loans or anticipations of any kind whatever, which may be contracted for without the authorization of the Cortes, are null and void. Isturitz said that he had no objection to the first of these resolutions, and would keep silence regarding the other two. The vote of confidence was dead, but its consequences remained, and would enable the ministry to go on. Looking at the resolutions as a declaration of hostility to the new ministry, they were rash and unfair; for that ministry had as yet done nothing to deserve hostility, and he demanded that the matters, with which they were thought to be chargeable, should be distinctly stated. The discussion, though not long, was angry and violent. The supporters of the resolutions spoke of danger to the public liberties, yet not one of them had gone so far as Isturitz himself, who had been the soul of the popular movements in August and September, 1835, which expelled the moderates, and brought Mendizabal into power. They spoke likewise of the new cabinet trusting to foreign

support, by which they meant to charge it with wishing to bring a French army into Spain for the purpose of terminating the civil war. The resolutions were carried by a majority of ninety-six against twelve. The ministers, as they left the chamber, were hissed and hooted by the mob, and the funds experienced a great decline.

The majority in the Procuradores had, undoubtedly, intended that this vote should compel Isturitz to resign; but the minister was determined to maintain himself if he could, and addressed a circular to all the authorities of the kingdom announcing the principles on which the new ministers intended to act. "The appeal," he there said, "made by her majesty to the nation assembled in Cortes, to revise with the crown our fundamental laws, was an act emanating from her royal mind, for which her present ministers did not hold themselves responsible, be it praised or be it blamed, but to its full accomplishment they have determined to dedicate all their power, when the time shall arrive when they may realise this desired object. Then, in conjunction with the co-legislative bodies, the crown will seek a sure and permanent means of carrying into effect the ancient and fundamental laws of the monarchy, by distributing, in the most fitting manner, the power of the people, the prerogatives of the crown, and the rights of the nation, laying aside all political discussions, and giving to our social edifice the form and bearing which becomes it. But the first and most urgent want of the nation is the termination of the civil war by which it and its government are now harassed. To watch over this, al-

most exclusively, will be one of the first objects of the present ministry; resolved to this end to avail itself of all the internal resources of the nation, and of all the assistance which it is entitled to claim under the quadruple alliance. Keeping in view the end already announced as claiming their first attention, her majesty's ministers will not neglect to recommend to her the prosecution and perfection of important reforms; but whatever they may commence, or pursue, or terminate, they will pursue by legal, the only good, means, the only means by which such reforms can remain assured."

This confession of faith did not satisfy the chamber, and the state of the finances seemed to render the government entirely dependent upon it. It was impossible that a cabinet, which had no money in the exchequer, could go on with a legislative body which would neither grant taxes nor sanction loans. Mendizabal, shortly before his resignation, had negotiated a temporary loan of 30,000,000 reals with a Parisian banking house, and the order for payment had arrived in Madrid. When Isturitz applied for a small part of the sum, it was refused by the agent of the lenders on the ground that the order was only in favour of the late minister. When this circumstance became known in the chamber, the ministers were asked how the exigencies of the state were to be provided for by a cabinet in which the majority had no confidence. Isturitz answered, that ministers were not bound to state how these exigencies would be provided for. That when money was wanted, they would come there to ask it, and then it would be known whether the majority

was favourable to them or not. But notwithstanding this bold bearing, it was manifest that he would be under the necessity of attempting to bring together a less hostile chamber, and the majority adopted every means within their power to drive him to a dissolution or to resign. On the 21st of May, a motion was made, signed by sixty-eight members, "That the present ministers do not enjoy the confidence of the Chamber," and it was demanded that it should be immediately discussed. Isturitz objected that such a proceeding was irregular; for, by the rules of the chamber, no proposition could be debated without twenty-four hours previous notice to the minister, and he had received no notice of this motion. A protest to the same effect was put on the journals of the house by twenty-six members, but the majority insisted on proceeding, apprehensive, perhaps, that before four and twenty hours elapsed, they might be dissolved. The small number of adherents of the ministry described the motion as being an attack upon the prerogative of the queen, to whom the nomination of ministers belonged. To force the crown to change its servants by votes like this, not imputing any particular charge to ministers, but condemning them merely because they had obeyed the queen's commands to accept office, was the same thing as to wrest from her the power of appointment, and give it to the chamber. Why should confidence be refused to a minister, than whom no man there had been more forward and resolute in hastening the re-establishment of free institutions? Above

all, why refuse confidence to a minister whom the late minister himself, not two months ago, had been most desirous to bring into the cabinet? The opposition answered, that the motion did not say that the ministers did not deserve the confidence of the chamber, but only that they did not enjoy it. The state of public credit—the alarm which every where prevailed, proved that they did not possess the confidence of the nation, and that they could not, as matters stood, promote the general welfare; and, at all events, they were guilty of having taken the reins of government without the least probability of having a majority in their favour. The motion was carried by a majority of seventy-eight votes against twenty-nine. It was impossible to ascertain from the discussion what were the supposed principles and projects of the new cabinet which excited such determined opposition. No man spoke out plainly what he feared or believed. No member said that the ministry would endeavour to force back Spain into the reign of despotism, that the legislature would be suppressed, and all elements of popular government trampled under foot. Neither did any one allege that Isturitz was a conspirator with Don Carlos, and would govern for the purpose of bringing him in triumph from Biscay to Madrid. Yet the capital was in a state of as great alarm and agitation, as if the enemy had stood at the gates; and this spirit was carefully encouraged both by the adherents of the late ministry, and the emissaries of the democratical party.

Nothing now remained for Isturitz but to try the result of a

general election. On the 23rd of May the Cortes were dissolved, and a new assembly convoked for the 20th of August. The elections, moreover, were directed to take place, not according to the existing law, but according to the new bill which had been introduced during the present session, and which, although it had been agreed to, with some slight alterations, by the Procuradores, had not even been laid before the Proceres. The minister may have thought that the provisions of this bill favoured the influence of any existing government in the elections, or he may have wished to give proof of his liberality by adopting what the late ministry had proposed as the most popular form of election which the country required; but, in either case, the proceeding was a glaring violation of constitutional law, and an alteration, by the mere prerogative of the crown, of all constitutional forms. He defended it, however, upon the ground, that the narrow basis, on which the elective franchise was placed by the royal statute, had been the ground of universal dissatisfaction ever since 1834; that the present Cortes, as well as the last, had been convoked for the very purpose of enacting a more popular system; that the Cortes elected under it would have the power of confirming or altering it as they thought fit; and that only party spirit could find fault with a measure which established provisionally, what the country desired to see established permanently in the regular course of legislation. The dissolution was followed by a manifesto from the queen, in which her majesty stated that she had found herself compelled to accept the resignation of

her late ministers, because she could not assent to measures which appeared to her to be at once unjust and inconsistent with the public welfare—but what these measures had been, except the removal of military officers in whom the public, at least, reposed no confidence, did not appear. “I replaced them,” said her majesty, “by men, who, in their public career, had acquired the confidence of the most devoted friends of liberty; but I soon perceived that a violent opposition was raised to the use which I had made of my royal prerogative—an opposition driven by blind passion, and not dictated by a love of justice, but by deep rooted aversion to the new ministers, whom it pretended to judge by intentions gratuitously pre-supposed. Propositions made and approved by the Chamber of Procuradores against the formal declaration of the *Estatuto Real*, and of the rule which prohibits the initiative to the co-legislative body; illegal propositions read, discussed, and passed in haste; petitions without any other object than imagining new modes of making laws; questions put to the government, only with the object of embarrassing it—in fine, an illegal proposition taking place of a petition which, independently of its legality, should have been sufficient, as if they were determined to throw themselves into a course of violence;—all these melancholy acts, accomplished amidst tumult and confusion—behold, Spaniards, a faithful picture of what has passed during the last days in the hon. Chamber of Procuradores.” In their report to the queen, on which the dissolution of the Cortes proceeded, the ministers put their case against the

chamber on the same grounds. “The elective chamber, yielding to unintelligible motives, has pronounced itself in opposition to the ministry chosen by your majesty. That body acted in a manner of little importance, had the ministers alone been involved in the question, but which assumes a more influential aspect, in taking into consideration the nature of that opposition in the chamber, and the means it thought proper to employ. Propositions at variance with the laws, although bearing the stamp of worthless precedents; petitions brought forward with a view of subverting the legal forms which should preside over the discussion and adoption of laws; add to this hostility the most violent and disorderly conduct, even on the part of the public admitted to the galleries of the chamber, thus presenting an exhibition not only scandalous, but replete with danger to the public safety. The popular chamber has placed itself beyond the pale of the laws. What it might have effected legally it has thought proper to do illegally, either from the fear of loss of time, considering the nature of its position, or that the majority was urged on by a certain impulse, hurrying it into an arbitrary course of the most decided character.”

If the embarrassments which surrounded the new ministry were apparently insuperable, the policy which they followed was irritating and violent. They dismissed from office all persons who had opposed them in the chamber, as well as every other official whose place could be supplied with a more devoted friend. The existing law recognised a censorship, and its powers were now exercised with much greater severity and partiality than

the former cabinet had indulged in. The journals teemed with tirades against the policy, and the supposed designs of the Mendizabal ministry, while not a syllable was allowed to appear which could throw any doubt on the merits of their successors. But these were weak defences against a combination of two active and powerful parties, in a country where it had become the practice to express difference of political opinion by open rebellion. There is no reason to suppose that the majority of the dissolved chamber had any other object in view than the restoration of the late cabinet, as being the administration most likely to pacify the country, introduce order into the finances, and establish a regular government. But there was a powerful and reckless democratic party, whose views went much farther, and who, if they thought matters not yet sufficiently advanced for the proclamation of a republic, were resolved to be satisfied with nothing short of the constitution of 1812. We have already seen that the designs of these men were rumoured abroad at the commencement of the session, and were treated as dangerous and mischievous conspiracies by the minister and his adherents. But the changes, which had now occurred, renovated their hopes and increased their power. Every vote of the chamber against the cabinet of Isturitz, and every new alarm propagated regarding the imagined unconstitutional designs of that cabinet, was to them a fresh justification of their doctrine, that the people ought to take the government of the country much more directly and effectually into their own hands. The vigour of Quesada, the commandant of

Madrid, insured tranquillity in the capital, but the spirit of uproar and resistance was rousing itself in the provinces. The Urban Militia or National Guards of Saragossa addressed a manifesto to the Queen Regent, informing her majesty that they would not support the new ministry. Isturitz ordered a body of troops to be detached from Cordova's army, in order to put down this spirit of insubordination. When they approached Saragossa, San Miguel, the captain general of Arragon, would not allow them to enter the city, and sent them away with the assurance that he and the national guards would maintain public tranquillity, the meaning of which was, that this armed force would obey no government which it did not like, and was determined to keep in its own hands the power of doing whatever it might choose.

The flame of opposition, which was thus kindled, was fed by the greater activity which the Carlist troops now displayed in provinces hitherto undisturbed by their inroads. The operations in the neighbourhood of St. Sebastian had led to no important result; Cordova remained quiet at Vittoria; and the Carlists were so far from finding full occupation, that they could afford to send considerable detachments to raise contributions and spread alarm on different points of the interior. In the end of July, two of these bands, leaving behind them the whole royal army, marched towards Castile, crossed the Somosierra, entered Buitrayo, within a few leagues of St. Ildefonso, extorted large sums of money, and marched back in safety. Another body of about 7,000 men, commanded by general Gomez, undertook a still more hazardous en-

terprise, the object of which seemed to be merely to collect money by rapine and contributions in provinces where the war had not yet penetrated. Breaking up from the neighbourhood of Orduna on the 26th of June, this little army marched right westwards into the Asturias. They encountered no resistance till the 28th, when they found the passage through the Santander mountains occupied at Reynosa, by 3,000 of the Queen's troops. An engagement ensued, in which the latter were completely routed, and the Asturias thrown open to the invading force. When the march of Gomez became known, Espartero was dispatched in pursuit of him from the army of Cordova at the head of a much more numerous body of troops, but all his exertions did not enable him to overtake the active Carlist leader. On the 7th of July, Gomez entered Oviedo, which was abandoned at his approach. After a short repose, he quitted it on his way to Galicia, and it was entered by Espartero on the following day. The latter pressed forward, in the hope of overtaking his antagonist before he would be able to cross the Minho, but he laboured in vain. Gomez crossed the Minho in sight of Lugo, entered Galicia, and, in the middle of July, reached Santiago, the capital of the province. Espartero arrived at Lugo on the 15th, and next day arrived at Santiago which Gomez had quitted. His destruction was now thought to be certain, for he could not escape from Galicia without recrossing the Minho, while the Queen's army superior in numbers was close upon his traces, and had occupied the bridges and forces on the river. But again Espartero was disappointed. Gomez passed the river

in safety and returned into the Asturias, bringing with him all his booty, and with the loss of only part of his cavalry in an attack made upon his rear-guard by Espartero, who had at length come up with him near Buron, on the 9th of August. Espartero boasted of having gained a great victory, and utterly dispersed the rebel forces; but the only evidence of the victory and dispersion was, that Gomez, in the course of a few days, was approaching still nearer to Madrid, beating the Queen's generals and taking them prisoners.

These occurrences were all made use of to influence the elections to the new Cortes against the ministry, who were every where denounced as belonging to a party which wished to place Spain under the protection of France. The ministers, on the other hand, used all the means of influence which the possession of the government placed within their reach, and which could not fail to be very efficacious in a country so new to constitutional habits and feelings. As the Cortes never assembled, no means were afforded of ascertaining the composition of the chamber; but the outcry which was raised against the result of the elections as having been brought about by trickery, bribery, and intimidation, on the part of the government, the very summary measures which were adopted to set them aside, along with every thing which belonged to the existing system, and the fact of Isturitz being resolved to meet the Cortes, seemed to indicate that his bold experiment had been more successful than his antagonists had expected. The party of the late minister threatened petitions against a great many returns as having been improperly

obtained, while the adherents of the existing ministry declared, that, right or wrong, these returns would be maintained, if they were favourable to the cabinet. But all disputes about contested elections were superseded by a much more energetic and Spanish mode of deciding public questions. The ostensible grounds of complaint were the appointment of an unpopular ministry, and the dissolution of the Cortes; and the proper mode of removing such complaints, was, by electing such a new chamber as would remove the unpopular ministry. But a party, whose objects were not limited to the establishment of any moderate and stable form of Government, was at work, and resolved to use the prevailing dissatisfaction for the purpose of overturning every thing which the favourite ministry had been labouring to support for the last twelve months. The ultra-liberals, among whom Isturitz himself had been reckoned only three months before, and to whom the Mendizabal party did not oppose any serious resistance, were determined not to dismiss one ministry and recal another, but to re-establish the democratic constitution of 1812, which every sensible man in Spain had long since abandoned. The scene opened at Malaga. On the evening of the 25th of July, the anniversary of the patron saint of that city, the drums of the National Guards beat to arms; the guards forthwith appeared from all quarters, fully accoutred, and filled the square of the constitution, where the main guard is situated. M. St. Just, the military governor, hastened to the square to restore order. The insults and menaces with which he was received, announced his fate. He was fired at, received a

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shot in the thigh, and fell. His officers endeavoured to gather round him for his protection; he mustered strength to crawl into the guard house; but the crowd, composed principally of National Guards, forced their way in, dragged him out into the square, and murdered him by repeated musket shots and bayonet stabs. Count Donadio, the civil governor, was detected attempting to escape in a disguise, after he had, ineffectually, tried to bring out from their barracks a small body of troops of the line, who refused to act, because they did not wish to oppose the people. He, too, was dragged to the square of the constitution, and after he had been dispatched by a volley of musketry, his corpse was hacked and pierced with swords and bayonets, and then subjected to shameful mutilation. The preparatory work being thus executed in the most approved style, a junta was appointed, and next day the constitution of 1812 was solemnly proclaimed. Probably but a small portion of those who shouted and stabbed for this constitution knew what it meant. The two murdered governors were as liberal men, even in the exaggerated sense of the word, as Spain contained. St. Just had fought in the army of the north. Donadio had been an active agent in raising the juntas in the preceding August, and had been the radical member for Malaga in the last Cortes. But they had been appointed to their present offices by the ministry of Isturitz; they were said to have interfered to influence the elections; and therefore they were murdered by these regenerators of Spanish liberty, citizens entrusted with arms for the protection of the public peace.

Cadiz, perhaps ashamed of not  
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having been the first to recognise the constitution which had been born within its walls, immediately followed the example. A great number of the respectable inhabitants of Malaga had taken refuge on board the Manchester steam-boat, when the scenes of blood began. They were carried to Cadiz, and carried the intelligence along with them. The train instantly took fire. On the 28th of July, the National Guards assembled late at night, demanding the constitution. They appointed deputies to wait upon the governor, and inform him of their design. The fate of St. Just and Donadio was a warning to all other authorities. The governor of Cadiz only desired to know whether such was the will of all the battalions of the National Guard, and of the people. Of this he was easily assured, and next day he presided at the proclamation of the restored constitution. Nearly at the same moment, Saragossa, the capital of Arragon, took up the signal. General San Miguel, the captain-general, placed himself at the head of the movement; and the junta that was forthwith created, sent an address to the Queen, in which they plainly stated the reasons of their revolt to be, the conduct of one ministry in turning out another; in removing from public offices, likewise, those who were their political opponents, and in dissolving a Cortes in which there was a majority against them. They then formally declared, that as it was not competent for the Cortes to decide upon the fundamental law, Arragon declared itself independent, and intended, under the ægis of the constitution of 1812, to direct its own affairs. Almost simultaneously, the constitution was proclaimed in the same manner, and by the same hands,

at Seville, Cordova, Granada, and Valentia.

Madrid was full of demagogues of the worst kind, who made their appearance as soon as the intelligence of what had taken place in the South reached the capital. On the evening of the 3d of August groups of agitators assembled in the great square, shouting for the constitution. They then proceeded to the quarters of the national guards, to make the drums beat to arms. The officer on guard refused, or was said to have refused, but was compelled to yield. At the sound of the drum the battalions of the national guard assembled. General Quesada, the military commandant of Madrid, immediately put himself at the head of some infantry of the line, the cavalry of the garrison, and the artillery of the royal guards. Part of the infantry advanced to a square, of which one of the battalions of the national guard had taken possession, and the latter, on seeing, that force was about to be used, dispersed, joining themselves however, in many instances, to the other battalions. These others, however, likewise dispersed, when the troops moved against them, and only the cavalry of the national guard remained in position in the great square. Quesada himself proceeded to dislodge them; he was received with shouts for "the constitution:" but as he prepared to answer these shouts by attacking, the cavalry retired. All the posts of the national guards were then relieved with troops of the line. On the following day a decree was issued, declaring Madrid to be in a state of siege, and directing a commission to be formed for the trial of offenders against

the public tranquillity, while another ordained that, on account of its seditious and disorderly conduct, which betrayed the existence of a previously organised plan, the national guard should be dissolved.

This energy gained its end. The national guard having been dissolved, Quesada resolved to disarm them, and it was justly apprehended that the execution of this measure might be found one of difficulty and danger. His orders, however, were obeyed without, at least, any active resistance; for the guards dreaded his character, which was one of great determination, and unacquainted with fear. In a few days the muskets were given up. These arms were conveyed in carts from the several police offices to the dépôts appointed by Quesada, who watched over this operation with peculiar care. Strong detachments of troops escorted the carts to their destination; the populace looked calmly on without making any opposition, although, they appeared armed with heavy bludgeons. The shops in the streets through which they passed were shut by way of precaution. But the known determination of the general to make signal examples, if compelled to do so, prevented any serious disorders. Early in the evening of the 9th, according to the habits of Madrid, blood was shed from acts of private vengeance, because it frequently happens in such scenes, that crime goes hand in hand with political agitation, and assassins are mingled in the crowds of rioters. The knowledge of this induced Quesada to issue an order forbidding bludgeons to be carried. This order was executed with the same ease as the disarming of the 5,000 na-

tional guards; and on the 11th, not a single man was to be seen with a bludgeon in his hand.

But on the very day that followed, a revolt broke out, far less imposing by its force, but ruinous from the quarter against which it was directed. While all these events were taking place in the south and in Madrid, the queen was at San Ildefonso. On the evening of the 12th of August, a battalion of about 500 men, broke out into rebellion in their barracks at the royal residence, raising the usual shout of "the constitution," but joining with it likewise the name of the queen. They marched in arms to the palace singing Riego's hymn, and there they were stated to have been joined by the royal guards; it is certain that the guards made no attempt to prevent the execution of the rebellious project. None of the officers took any part in the revolt; it was carried on entirely by the sergeants, corporals, and private men. When the palace was found to be the object of their movement, its gates were closed upon them; but as they proceeded to use force and threatened to bring up cannon, and massacre all the inmates, they were admitted. They then took precautions to prevent any communication with the palace from without; sentinels were placed at all the entrances, and in all the stables; no person was allowed to come in or to go out: even the foreign ministers who hastened to the Queen Regent, were refused admittance. The queen thus exposed, and exposed alone, to the violence of a lawless, and it is said, a drunken soldiery, admitted a deputation of ten or twelve of them to her presence, and enquired what were their demands. They wanted,

they replied, liberty and the constitution of 1812. Their pay, they complained, was in arrear; the army and the country were badly managed. They insisted that the ministry must go, and Quesada must go, and San Roman, the inspector general of the provincial militia, must go. A long discussion ensued. The queen is stated to have tried to convince them that they really did not understand what it was they were asking, in calling for the constitution of 1812, to which they replied, that they did not know much about it, nor did they care; it was an excellent thing they were told, would secure their pay, bring down the price of salt, and work out many more wonders. After five hours, resistance, the queen, no help being near, was compelled to give way, and to promise that a decree should immediately be issued for proclaiming the constitution, before she could be delivered from her insolent, brutal, and menacing gaolers. On the 13th appeared the decree by which the queen ordained "the constitution of 1812, to be proclaimed, until the nation, represented by the Cortes, shall have manifested its will, or adopted another constitution, according to its wants." Thus was her majesty, within her own palace, by the violence of a handful of brutal soldiery, compelled to change the existing constitution of her kingdom, and to violate that oath which she and both chambers of the Cortes, had taken but a year before to the *Estatuto Real*.

The Neapolitan minister, and the *chargé d'affaires* of Austria, Prussia, and Russia, requested their passports and quitted Spain.

This change rendered others unavoidable. On the 14th a decree

was issued by the queen, declaring the capital to be no longer in a state of siege. Another directed that the national guards should be re-organised, and the arms of at least two-thirds of them restored. By a third, Quesada was dismissed, and Antonio Seoane appointed in his place. Another announced a new ministry. It consisted of Calatrava, president of the council, and secretary of state for foreign affairs; Ferrer, minister of finance, and Gil de la Cuadra, Minister of the Interior, in place of Isturitz, Blanco, and the duke of Rivas. The other places in the administration still remained to be filled up.

On the evening of the 13th reports got abroad at Madrid of what had passed on the preceding night at St. Ildefonso, and on the following day, all who were attached, for whatever cause, to the new order of things prepared for commotion. The national guards came forth, some of whom it now appeared, had either concealed part of their arms, or had been supplied with others. Tumultuous mobs assembled every where; but Quesada was every where too. He occupied with his troops the great square, and all other important points of the city; when danger became more menacing, he added artillery. The mobs having attempted to liberate a provincial regiment which was confined in a particular barrack, and attacked the guard which Quesada had set upon it, he came up himself with his *aides-de-camp* and a few troopers, and the assailants instantly fled. With no more formidable retinue he traversed the streets, and wherever he appeared, there was submission or he instantly enforced it. If the queen had either been able to hold out till Quesada

could come to her assistance, or had instantly annulled the forced consent which was extorted from her by actual duress, and compulsion, there can be no doubt but that Quesada would have secured the capital, although, looking at the state of the provinces, it may be doubted whether any ultimate good could have been effected.

On the 15th, however, official intelligence arrived of the decree for proclaiming the constitution, and the other decrees which have been mentioned above. The new commander with his staff rode through the streets enjoying the acclamations for the constitution of 1812, and for himself. The constitution was proclaimed in the afternoon, and the evening closed with an illumination. From the moment that the decrees were officially announced, Quesada was an unarmed man in a city where every individual of the now triumphant party was an enemy. He left the capital in disguise, in the afternoon, accompanied by a servant, but he was recognised and detained at Hortaleza, a small village in the neighbourhood. When the news of this occurrence reached Madrid, the sanguinary mob hurried towards the village, to take vengeance on the helpless and defenceless man, whose very presence had scared them the day before; and they openly announced their intention of dragging his body through the streets of Madrid. When they arrived at Hortaleza, they found him under the guard of a number of officers, who parleyed with them, and endeavoured to break their purpose. But a troop of cuirassiers, which the new captain general had dispatched to ensure his safety, and conduct him a prisoner to Toledo, was seen

approaching. The crowd, dreading that they might be disappointed of their prey, broke through the slender obstacle opposed to them, into the room in which he was confined, and massacred him in cold blood. He was the only victim; the members of the obnoxious ministry, and some others who were equally obnoxious, although not members of the ministry, contrived to make their escape. General Cordova, likewise, whose want of success in conducting the war in the northern provinces was ascribed, not to the absence of skill or of means, but of good will, thought it best to pass, in the meantime, into France. In consequence, however, of a subsequent decree, which enacted that public officers residing abroad without authority, and who did not swear to the new constitution, should not be paid their salaries or pensions, the General immediately took the oath to the constitution of 1812, before the Spanish consul at Bayonne.

The Queen Regent and her daughter returned to Madrid on the 17th; and the following days were partially disturbed by the lawless military, who had just been practising successfully the lesson, that those who have arms in their hands may do what they please against those who have none; nor were these revolts quelled without calling into action the more orderly portion of the garrison. Private vengeance, too, where all bonds of regular law, or of stable society, seemed burst asunder, nightly stained the capital with bloodshed. The authorities were unable to calm the effervescence of the passions which were now let loose; and in the absence of all effectual legal protection, the inhabitants were obli-

ged to arm in self defence. It was nothing uncommon to see the citizens with a sword by the side, pistols in the belt, and a bludgeon in the hand, the private man thus assuming the appearance and the accoutrements of a bandit.

The new ministry, in the meantime, filled up, but only provisionally, the vacant offices of justice, war, and marine. Permanent ministers of these departments were not appointed till the following month, when Gil de la Cuadra was removed to the marine, and was succeeded as minister of the interior by Señor Lopez. Landero y Corchado was made minister of justice; Rodil, minister of war; and as Ferrer had refused to accept his appointment as minister of finance, Mendizabal again came into office in that character. Decrees were then issued, dissolving the Cortes recently elected, as being inconsistent with the constitution lately proclaimed, directing a new Cortes to be elected in the manner pointed out by the constitution of 1812, and summoning them to meet on the 24th of October. It was ordered, that, out of the reorganised national guards, 4,000 men should be disposable or moveable, and that 50,000 men should be levied for the regular army. In the disordered state of the finances, a forced loan was directed to be raised to the amount of 200,000,000 reals, to be paid up on the 1st of next October, November, December, and January. Those persons, who should pay up the whole of their quota before the 1st of October, were to be allowed a deduction of six per cent., and those who did so before the 1st of November, a deduction of four per cent. The government was to partition the whole sum among the

different provinces, and the provincial deputations were to apportion it among the different towns and individuals. The loan was to be repaid by four equal instalments in 1837 and the three following years, and in the meantime it was to bear interest at the rate of five per cent., payable half-yearly. Looking at the state of Spain, and above all, at the state of her finances, and of the debt which was already due, the contributors to this forced loan must have regarded it much more as a forced gift; and it was imposed by the authority of the crown alone, upon that very people who had just made, or had permitted, a military insurrection in favour of liberty, and an ultra-free constitution. The loan itself was subsequently approved of by the Cortes as having been necessary; but instead of being very productive, it excited great discontent, especially in the provinces, where bitter complaints were made that its apportionment upon the different districts had been unfairly made; and in Madrid a vigorous protest, signed by the greater number of the commercial class, was presented to the government against the arbitrary and partial system of distribution which had been pursued.

After Mendizabal had again become finance minister in September, a new commission was appointed for pursuing with greater activity the sale of the property of the suppressed monasteries and convents; another commission was appointed to consider of a plan for abolishing or new modelling the tithes; and there was perhaps as much of finance, as of policy, in two decrees by which the property of all persons, who had quitted the kingdom since 10th of October

1830, or might hereafter quit it, in order to serve the cause of the pretender, directly or indirectly, and the temporal revenues of all ecclesiastical persons then out of the kingdom, for whatever cause, and of all who should afterwards leave it without the permission of government, were directed to be sequestered for the use of the state. But all these expedients failed to supply the wants of the treasury. In such a distracted state of society, where public confusion diminished or dried up the sources from which revenue might have flowed, and law was powerless for the enforcement of fiscal regulations, even the funds which were raised did not reach the exchequer. Thus, some of the provincial deputations or commission, which had been appointed to superintend and urge forward the execution of the decrees for raising the new levies, insisted on retaining within their own territory, for its own wants and defence, the money which it produced. The consequence of all this was, that before the new Cortes assembled in the end of October, Spain had made another declaration of insolvency, by announcing that she was unable to pay the dividend on the foreign debt which was to become due on the 1st of November.

The confusion and alarm arising from civil commotions were increased by the successes of the Carlists in the very heart of the kingdom. Gomez, after his return from the Asturias, prepared for a still more adventurous expedition, to levy men, and collect contributions in the provinces of the south. In the middle of August he entered Castile, moving towards Arragon, and spreading alarm to the gates of the capital itself. General

Rodil, who was now minister of the war department, protected Madrid by taking post at Alcala, a few leagues to the eastward; and general Manso was stationed at Almazan, farther to the north. On the 28th of August, general Lopez left Madrid at the head of two battalions of the guards, some cuirassiers, and artillery, amounting in all to about 1,200 men, with instructions to act in conjunction with Manso. On approaching Sigüenza, on the 29th, on his way towards Almazan, he learned that Gomez had spent the night between him and the latter town at Atienza, and had marched in the morning towards Jadraque, in the direction of Arragon. Lopez, who complained of having been misled as to the force of Gomez, immediately followed the enemy, came up with them on the evening of the 29th, drove in their advanced posts, and took some prisoners. On the morning of the 30th, he found the Carlists prepared to attack him, and having now ascertained their great superiority in numbers, he saw the necessity of retiring to a more secure position, where he might hold out till the arrival of Manso, to whom he had dispatched a messenger on the preceding night, urging him to advance to an easy victory. But it was too late. Gomez, making use of his numbers, attacked them on all sides at once, and the defeat was soon complete. Scarcely a man of the queen's troops escaped. Lopez himself was made prisoner.

After this victory, which added new fuel to the fears and jealousies that distracted Madrid, Gomez pursued his march without opposition through the province of Cuenca to the borders of Lower Arragon, increasing his force by

drawing around him the bands of Quilez, Cabrera, and other partizans. Espartero, who had succeeded Cordova in the command of the north, sent off his own division, under general Alaix, to annihilate once more this enemy whom he himself boasted of having annihilated a month before in the vallies of the Asturias. Unless he were stopped, Murcia, Valencia, and Andalusia lay open to his inroads, although every march was removing him farther from all communication with the principal Carlist armies in the north. On the 7th September he entered Utiel, where he remained several days, impressing men and collecting plunder. On the 13th he made an attempt on the neighbouring town of Reguena, but the attack failed from the want of artillery. General Alaix, with superior forces, was now fast approaching from the north. Gomez, instead of making any attempt to return, marched on towards Murcia and Andalusia, and on the 16th September took possession of Alvacete, a frontier town of the former of these provinces. He remained there during the 17th, and on the same day general Alaix, with his division, reached Altobuey in Castile, to the north of Alvacete. Gomez left the last-mentioned town on the 18th, and re-entered Castile at Roda, thus approaching nearer to his antagonist, who had likewise made another march in advance to meet him. The Carlist leader, who very prudently wished to avoid a general battle in the open field, urged on his march. Alaix followed with all possible speed, and, on the 20th, overtook the rear guard of Gomez in the small town of Villa Robledo, on the frontiers of La Mancha. He

charged with his cavalry, an arm in which the Carlists were greatly deficient; threw the rear guard into confusion; seized some ammunition and baggage, "four mules," according to his own dispatch, and "great part of a printing press." He stated farther, that he had taken 1,300 prisoners; but, what was very singular, he gave no account of the killed and wounded of the Carlists, while he admitted that he had sixty-one of his own men killed, and only four wounded. The affair was described and celebrated as another complete victory; the army of Gomez was once more totally dispersed, and skulking back, in scattered parties, to the Carlist haunts in Lower Arragon, and the government actually attempted to negotiate a new loan on the credit of the imaginary triumph. Imaginary it did turn out to be. It was only the rear-guard that had been attacked; it was only the cavalry of the rear-guard that had given way before superior numbers, falling back upon the infantry which pursued its march, and was never brought to action; and the prisoners were unarmed peasants whom Gomez had impressed, and who were very glad to return to their homes.

Gomez, instead of seeking protection in retired haunts, pursued his march unresisted into the heart of Andalusia, while Alaix recruited his victorious forces in Villa Robledo before recommencing the troublesome and dangerous pursuit of this so often defeated enemy. The Carlist leader crossed the Sierra de Segura, and entered the province of Jaen on the 23rd of September. No opposition was made to his march even by the national guards, those valiant

setters up and pullers down of constitutions. On the 27th he passed the Guadalquivir unmolested at Andujar, and passed on to Cordova. No serious attempt was made to defend the city, of which he took possession on the 1st of October. Here he fixed his quarters for some days, and collected an immense booty, as well as arms and ammunition. The royalist accounts gave terrific descriptions of the excesses to which he had recourse to extort money; and assuredly his expedition was not one of mercy. He included in his plunder the plate of the cathedral, and was said to have collected upwards of 200,000*l*. He had ample opportunity to levy his contributions; for Alaix was nearly a week behind him, and reached Andujar, on the right bank of the Guadalquivir, only after Gomez had been five days in Cordova.

All Spain was now in consternation from the news of the march of the army from Andalusia, and the eyes of Europe were turned to this adventurous leader, who seemed, at every step, to be plunging deeper into the midst of accumulating enemies, and removing farther from every chance of assistance or escape. Seville and Malaga lay open to his attacks; the authorities of the latter city applied to the British consul to obtain assistance from Gibraltar, in case they should be assailed. Rodil himself, at the head of the army which covered Madrid, and who appeared to have been hitherto ignorant of the movements of the Carlists, hastened through Toledo towards Andalusia, to inclose them from the north. Alaix, having crossed the Guadalquivir, pressed upon them from the east. On the west, Espinosa, the captain-general of Andalusia, had posted himself

between Seville and Cordova; and in the south, Escalante had advanced from Granada at the head of the national guards of Malaga. After having remained master of Cordova for a week, without molestation, the Carlists left it, with the whole of their booty, and instead of seeking a way back to the north, pressed on to the south. They came upon Escalante and his national guards at Baena. The contest was short; most of the national guards were put to the rout, and a great proportion of them made prisoners. When this engagement took place, Alaix was not far distant, having quitted Jaen on the same day to hasten towards Granada. On the following day, the two armies were so near, that Gomez sent a flag of truce under the pretext of proposing an exchange of prisoners, but most probably to ascertain the true position of the enemy; and Alaix, under this impression, made the party prisoners. Gomez, then, suddenly countermarched, returning to Cordova, where he crossed the Guadalquivir, as if moving upon Estremadura. Alaix followed him, entered Cordova on the 13th October, and again boasted that he had taken some prisoners of the rear-guard. In the belief that Gomez would now endeavour to push eastward along the right bank of the river, the royalist general proceeded in the same direction, and took post, on the 19th, at Baylen. Gomez, however, continued his march to the north, hoping to be able to cross the Tagus, in defiance of Rodil, while he increased the distance between himself and Alaix. The rich town of Almaden stood in his way, and Rodil seemed to have reckoned on its either detaining the Carlists, if

they attacked it, till he could advance from the Tagus, or on its garrison hanging upon their rear, if they passed it. Gomez, however, attacked Almaden on the 23rd October, so vigorously, that it was compelled to surrender in the course of the following day; and the whole of the garrison, amounting to 1,200 or 1,500 men, were made prisoners. Carrying with him all the arms and ammunition which he found in the forts, and all the money belonging to the royal administration of the quicksilver mines, he hastened on to the Guadiana, which he crossed on the 26th, at Tallarubios, before Rodil could come up to dispute the passage; and on the 27th, he took possession of Guadalupe, a small town to the eastward of Truxillo. The intelligence of these events alarmed even the Cortes. A secret sitting was held, at which the ministers were called on for explanations regarding the state of the country; it was proposed that Rodil should be impeached; and the newspapers of Madrid denounced him and Alaix as deserving of death. A corps of 5,000 men, the only respectable body of troops which still covered the capital, was ordered to march into Estremadura, under the command of general Narvaez, as if it had been the want of numbers to oppose him, that had led to the successes of the Carlist leader.

But the dangers of Gomez, notwithstanding all his activity, seemed only to be increasing. He found it impossible, or deemed it imprudent, to attempt the passage of the Tagus, in the face of Rodil, who was stationed on the right bank at Almaraz, and of Alaix who, having at last discovered that the movements of the Carlists had not

been guided by his anticipations, was likewise marching upon the Tagus in obedience to the orders of Rodil. Gomez, therefore, marched westward to Truxillo, which he reached on the 30th October. He left it on the following day, and proceeded towards Caceres, approaching the Tagus, as if seeking a passage lower down; but Rodil had ordered all the bridges to be destroyed. Rodil, after writing bitter complaints to the government of the inertness of Alaix in remaining behind, of the supineness and indifference of the national guards in Estremadura, and the total want of information in which he had been left, at last crossed the Tagus at Almaraz, and entered Truxillo in pursuit of the Carlists, a day or two after they had left it. According to his own dispatch he was within five leagues of them, yet they continued their march undisturbed. Rodil was followed by Alaix, and Alaix, again, was followed by Narvaez. Thus Gomez drew after him, one after another, these three generals, with between 15,000 and 20,000 men, frustrating every attempt which they made to hem him in. His situation, however, seemed now to be more desperate than before. He was cut off from the Tagus on the north; Portugal hemmed him in on one side, and the Guadiana, defended by superior forces, on the other. He adopted the only alternative which remained to him, and resolved to return to Andalusia, while all the three armies pursued him. While Rodil was still at Truxillo, Gomez marched for the Guadiana: crossed it before the enemy were aware of his intentions; reached and passed the Guadalquivir without interruption, and arrived on the 13th of November at Ecija between

Seville and Cordova, while Rodil, on the 9th, was only crossing the Guadiana at Medellin. This was the last act of Rodil's command. On the 13th in obedience to an order of the government, who could not venture to resist the public clamour against him, he delivered up the command of the army to general Ribero, who had been sent to succeed him.

Having reposed his men for two days at Ecija, Gomez left that town on the 15th of November, and marched southwards to Ossuna and Ronda, as if tempting the enemy to drive him into the sea. The three pursuing armies were again surrounding him. Ribero pressed upon his footsteps on the line of march which he had taken; Alaix was advanced more towards the east to prevent escape in that direction; Narvaez, whose movements showed greater rapidity and activity than had yet been manifested on the part of the royal troops, placed himself to the westward, between Ribero and the Guadalquivir. Thus the Carlists, having traversed all Spain from its north-eastern provinces, were now shut up in its south-western corner, with the sea behind them, and enemies hastening against them on every other side. The desire, however, to leave no outlet open, kept the armies of the pursuers separate, and Gomez did not give up the hope of being able to force his way between them without risking a general battle. He continued to draw still nearer to the sea. On the 19th and 21st he marched to San Roque almost under the cannon of Gibraltar, where he continued till the 23d, Ribero having advanced to between Ronda and San Roque on the 22d. Forced to abandon San Roque, the Carlists

proceeded to Algesiras, partly crossing the bay in vessels which they seized, and partly marching round it. Ribero entered San Roque on the night of the same day on which Gomez quitted it. The latter, having thus brought Ribero behind him, now hastened northward from the coast, in order to pass Narvaez, after which he could trust to the rapidity of his own movements for insuring his safety. Narvaez, who had been reinforced by 1,500 men under Ordóñez, moved from Algar to intercept him, and drive him back upon Ribero, which would have completed his destruction. The royal army came upon him near Arcos, while he was marching towards Ossuna. The queen's troops, according to custom, claimed another complete victory; again the Carlists were wandering about in all directions, in scattered bands, and had been cut down by the queen's troops, till the latter were tired of slaughter. The prisoners were stated at only 150; yet the minister of war shed tears of joy, when he read the pompous dispatch in the Cortes. But this pretended defeat had no better results than its predecessors. Gomez had now broken through the line which encompassed him, and had gained all his objects by opening up a passage to the east or north, as he might choose. After the battle, he continued his march in the direction in which he had been proceeding before it took place, and to be able so to proceed was his only object in fighting. Narvaez found it necessary to begin the chase again, but it was too late; the Carlist leader was out of the net. He marched direct upon Ossuna, of which he again took possession. He left it only a few hours before Narvaez

entered it with his cavalry. The latter remained in Ossuna all night to rest his troops ; but Gomez continued his march, and reached Alcandete before he could be intercepted by Alaix, who had been ordered up from his position towards Granada to prevent the Carlists, if possible, from proceeding into Murcia or lower Arragon. On the 29th, when the Carlists left Alcandete, Alaix was ready to enter the town, and had a skirmish with part of the rear-guard, which did not prevent Gomez from continuing his march, crossing the Guadalquivir, and taking post at Baylen on the 30th. Dissensions now prevailed among the royal generals. Narvaez had received orders to take the command of the division of Alaix and incorporate it with his own. Alaix refused to lay down the command ; and his men, whom he had been accustomed to indulge in every excess, mutinied in his favour, refusing to march or fight under any other leader. The government then sent orders to General Leon, who commanded the cavalry of Alaix's division, to send the latter a prisoner to Madrid ; but Alaix would not submit, and his troops would not allow the order to be enforced. The delay occasioned by these dissensions rendered it a hopeless task to undertake any farther operations against

Gomez, who moreover had shown that, even in forced marches, he was more than a match for his opponents. From Baylen he continued his march northward without molestation, by Guadalaxara, Atienza, and Osma, where he crossed the Douro, passing within not many leagues of Madrid, and followed, or rather attended by the disobedient Alaix, who thought it more prudent to rejoin Espartero, and who seemed to make it a rule to spend the night where the Carlists had spent the night before. On the 17th December, Gomez crossed the Ebro near Ona, and reached the head quarters of Don Carlos ; thus terminating successfully an expedition in which he had marched twice across the kingdom, pursued and surrounded by armies greater than his own, and in which, though encumbered with prisoners and plunder, he had disappointed all their combinations, and found safety in the most desperate circumstances, by his vigilance and activity, bringing back with him almost the whole of his troops, and by far the greater part of his booty. It was a circumstance worthy of remark that, in all the provinces which he traversed in the course of his expedition, neither the inhabitants of the towns nor of the country showed any disposition to act against him.

## CHAP. XII.

*SPAIN continued.—Meeting of the Cortes in one chamber—Speech of the Queen—The Queen mother confirmed Regent—Motions and measures regarding the war—The dividends on the foreign debt remain unpaid—New undertaking of the Cortes and the Government to provide for it remains unfulfilled—Disturbances in Madrid—Extraordinary powers granted to the Government—Proposed alterations in the Constitution—Adopted by the Cortes—Recognition of the South American States—Military operations—Unsuccessful attempt of the Christinos on Fontarabia—Unsuccessful attack of the British positions at San Sebastian by the Carlists—The Carlists lay siege to Bilbao—Interrupted by the approach of the Spanish army, which again retires—Siege of Bilbao resumed—Operations of the siege—The Carlist position carried by the Christinos, and the British naval armament—The siege is raised—Operations in the other provinces—Death of Mina.—PORTUGAL.—Marriage of the Queen—Opening of the Cortes—Unpopularity of the Ministry—Financial difficulties—Arrival of Prince Ferdinand—Vote of the lower Chamber against his being made Commander-in-chief—Sudden prorogation of the Cortes, and formation of a new ministry—Riots at Oporto—Prince Ferdinand appointed Commander-in-chief—Re-assembling of the Cortes—The lower Chamber adheres to its vote against the Prince being Commander-in-chief—Dissolution of the Cortes and new election—Military insurrection in Lisbon—The Queen compelled to proclaim the democratic constitution of 1820, and form a new ministry—Adhesion of the provinces—Protest of the peers—Unsuccessful attempt at a counter-revolution—Election of members to the new Cortes—Decree regarding the clergy—Termination of the commercial treaty with Britain—Treatment of the British Auxiliary troops—Mutiny in Mozambique.*

**A**T the preparatory sittings of the new Cortes on the 17th and 18th of October, they elected for president, Gomez Recerra who had been minister of justice in April, and for vice president, Antonio Gonzalez who had been the president at the former assembly. On the 24th, the Queen Regent, after having formally taken the oath to the constitution of 1812,

opened the Session with a speech, in the outset of which it appeared that this constitution was not to be retained in its existing form, but that the Cortes had been assembled for the purpose of its revision. "No sooner," said her Majesty "was I convinced that the real wish of the nation was to have re-established the constitution of the monarchy proclaimed in Cadiz, than

I hastened to swear to it, and to command that it should be sworn to and observed in all the kingdom as the fundamental law ; and it being also the national wish that this law should be revised and corrected, I immediately convoked the Cortes for the purpose of deliberating respecting this salutary reform." She admitted that the present was a period of great agitation and public disturbance, and that it was almost an impossible task to attend properly to those branches of administration, on which public prosperity and the progress of civilization mainly depended ; but her government would do all that the state of things would allow, having constantly in view the importance of making practically known to the inhabitants of every village the advantages of the constitutional system, in order that the productive classes might become identified with the new interests which it created. Great difficulties, arising from the state of the country, stood in the way of making the administration of justice what it ought to be ; but government was preparing means for improving it on principles combining the strict responsibility of the judges with their perfect independence. A civil code had already been drawn up, and a criminal code would be presented in due time. In the finances it had been found impossible to bring the income to meet the expenditure ; all the interest on the debt, however, had been paid ; but the treasury would not be able to meet the six months dividend which became due on the ensuing 1st of November. The forced loan was alluded to as a measure which existing circumstances had rendered inevitable, and as being, in fact, the only means which could have been adopted for

the salvation of the country at a period of so much importance. Of the national guards, who had overturned the existing constitutions, and had laid herself under compulsion, her Majesty said, that they were "the protecting force of the rights of each citizen, the bulwark of liberty and order — the impregnable rampart of our constitution and independence, equally to be feared from their complete armament as from their heroic decision and patriotism." And she spoke in terms of high eulogy of the continued victories of her troops in the field, at the very moment when they could scarcely keep their ground against Don Carlos, and Gomez was marching from one end of the kingdom to the other.

The chamber (for, sitting under the constitution of 1812, there was only one chamber,) voted an address which was entirely an echo of the speech. They then appointed their committees of finance, war, marine, commerce, and a variety of others, among which was a committee to watch over infractions of the constitution. As the queen-mother did not derive her authority, as regent, from any provision of the constitution of 1812, or from any body convoked under that constitution, it was necessary that her powers should be confirmed by a new appointment. On the 26th, a proposition to that effect, signed by sixty-six members, was presented to the Cortes and read a first time. On the second reading being moved, on the day following, it was objected, that the Cortes were already violating the constitution, which required that six days should elapse between a first and second reading, an interval which was the more necessary in the present

case as the great body of the deputies had not yet arrived. The second reading, however, was carried by a large majority, and the proposition was referred to a special committee. That committee reported unanimously in its favour, and the report was adopted by the Cortes almost with equal unanimity; only 6 members out of 130 having voted that the regency should not be confirmed to the queen-mother.

No part of public affairs excited so much dissatisfaction in the Cortes as the conduct of the war, and, above all, the failures of Rodil to prevent the capture of Almaden by Gomez, and to overtake and capture Gomez himself. A motion to declare that Rodil had lost the confidence of the Cortes and of the country, was thrown out on the second reading; but violent speeches were made against him from all parts of the chamber, and suspicions were not spared regarding the motives from which he was acting, or rather from which his inaction proceeded. No less dissatisfaction was expressed regarding the whole conduct and results of the war; and these complaints did not appear to have been unfounded, if it was true, as was stated by Mendizabal in his finance report, 27th October, that the Government was now paying upwards of 200,000 infantry and more than 12,000 cavalry. On the ground that no correct intelligence reached the capital, it was proposed that particular deputies should be sent to each of the armies, in order to obtain accurate information, which might be communicated to the Cortes, and the motion was rejected by a majority of only four votes. A committee was appointed, however, to enquire into the best

means of putting an end to the civil war. They recommended that the political chiefs and the provincial committees for carrying on the national armament, should be authorised to raise men at the expense of their districts, and employ them as they might think necessary. They likewise recommended, that in each province an extraordinary tribunal should be established, for the trial of all political offences; that it should punish capitally, without power of appeal, all persons guilty of corresponding with the rebels, or supporting or favouring their plans; and that the property of all abettors of Don Carlos should be sequestrated towards payment of the expenses of the war. The Cortes adopted the military plans of the committee, and likewise the appointment of these special tribunals; but the nomination of the members was given to the crown, instead of being vested, as the committee had proposed, in the juntas of armament. The punishment of death in every case was rejected, and the sequestration of property was converted into a sequestration merely of the accruing rents and profits.

We have already mentioned, that the Cortes met in a state of insolvency, the government having been unable to provide for payment of the dividends, which became due on the 1st of November. In the expectation, that what was called the "glorious victory" of Alaix over Gomez, in the end of September, would inspire confidence, the minister had sent M. Durou to London and Paris, to endeavour to prevail on the creditors to take treasury bills on the duties payable in Cuba. M. Durou,

accordingly, issued a notice at London, on the 15th of October, informing the creditors, that the interest could not be paid, and proposing to them the following plan:—"The island of Cuba furnishes annually a considerable revenue to Spain. Recognizances chargeable upon a portion of this revenue will be created by the Spanish government, and given in payment of the above-mentioned dividend on the foreign debt. These recognizances shall be issued for 120, 240, 480, 960, and 1,920 piastres each; they will bear the signature of the queen regent, and the date of September the 24th, and be countersigned by the minister of the finances. Each recognizance will be divided into eight equal sums, bearing interest at five per cent, and payable by instalments, of six months each, beginning from the 1st of May, 1837. These sums, as they become due, will be received at the different custom-houses, in the island of Cuba, to the extent of one moiety of such import or export duties as the holders may have to pay."

Gomez, however, instead of being crushed, having only marched deeper into the bowels of the land, M. Mendizabal abandoned the idea of making use of Cuba, and disavowed the plan which had been promulgated by M. Durou as not in conformity to his instructions, even if the government had continued to entertain the principle which lay at the foundation of the proposition. Mendizabal, therefore, proposed to the finance committee of the Cortes, that the coupons of the half year due on the 1st of November, which ought to have

been taken up in money, should be exchanged for bills on the treasury at six and twelve months, bearing interest at five per cent. The committee reported in favour of this scheme; which, however, seemed to be nothing more than an insolvent debtor tendering his own note; and the Cortes passed a bill in the same terms, declaring that "this arrangement is made under the strictest responsibility, that the said bills on the public treasury shall be punctually and religiously paid when they become due." An official notice was, at the same time, given, that the Spanish government would take the measures necessary for commencing, on the 1st of December, the exchange of the coupons for these treasury bills; but when the 1st of December arrived, the Spanish ambassador at Paris, issued a notice, that, to his great regret, it had not been in the power of the government to complete the operations which were necessary to enable it to keep its promise.

Madrid itself was, in the meantime, daily exposed to civil tumult and military insubordination. Restless men, who can make themselves be noticed only by confusion, were labouring in their clubs and secret societies; and the events of the last four months encouraged them in their machinations. During November, various persons, who were said to be plotting the overthrow of the government and the establishment of a republic, were arrested. The military likewise, taught to know their power, by the events of San Ildefonso, were the source of much uneasiness. On the 29th of November, when the colonel of a battalion of the 4th regiment

was entering its barrack, he was greeted by some of the men firing at him, and he was compelled to retire. The regiment then marched out into the streets, shouting for the constitution and the dismissal of the ministers, but returned to their quarters without carrying their revolt any farther. On the following day it was the turn of the same battalion to do duty at the palace. The company, which was to relieve the company upon guard, appeared without any officer at its head; and, the commander of the post to be relieved having refused to give it up, till he saw a proper officer at the head of the relief guard, the latter fired and killed two officers. The insurgents then marched into the streets, drums beating and colours flying; and though they passed a detachment, which was on guard at the post-office, the latter did not venture to interfere with them. Their ranks were swelled by the idle and disorderly mob; and they were joined by many persons, wearing the uniform of the National Guards, although the latter, as a body, appeared at their proper post when called out, and did not seem inclined to give their countenance to the revolt. The captain-general, with his staff, fixed his quarters at the palace for its protection. The other regiments of the garrison showed no disposition to take part with the mutineers; the Great Square, the Puerta del Sol, and other important points were occupied with strong bodies of troops. Thus matters continued till the morning of the 30th. The government having then received a reinforcement of regular troops,

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determined to act with greater vigour. The revolted soldiers had now returned to their barracks; they were summoned to surrender, and refused; cannon were brought against them, and after several discharges, they laid down their arms. They were ordered to be decimated, but only three of them were actually shot.

The military were not supposed to have acted merely from their own feelings and opinions, but to have been used as the instruments of concealed political machinators; and this occurrence greatly strengthened the hands of ministers, in a call which they had made upon the Cortes to arm them with extraordinary powers, in order to crush conspiracies, and prevent the overthrow of the government. The nature of the powers thus sought, may be judged of from this, that they not only authorised the arrest and detention of suspected persons, though not in terms of the constitution; but, that one clause of the bill gave power to any four ministers, who might consider any person guilty of conspiring against the safety of the state, to banish him for six months, without any previous trial, or any legal proof being brought against him. It was no wonder that such an enactment should have encountered a violent and obstinate opposition. Ministers, however, stated plainly, that it would be impossible for the government to go on, unless it were armed with these powers. The want of them only rendered the daring more audacious; and they had arrived at such a point, that nothing else could secure the continuance of order and tranquillity, or give foreign govern-

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ments the least confidence in the stability of that of Spain. The clause was carried by a majority of ninety-four against fifty-three; as were likewise certain clauses which gave the government a very alarming power over the press: and the whole bill passed as ministers had proposed it, without any important modification.

If the termination of the war was at the moment the object of most immediate interest to Spain, the revision of the constitution, which was now her existing form of government, was of no less importance to her lasting prosperity. The queen, when she authorised it to be proclaimed, had done so only till the Cortes should otherwise determine; and although the junta of Arragon had declared that only the people, and not the Cortes, could make or alter a fundamental law, it had been felt and admitted by all men who were reasonable and honest in their politics, that the constitution could not remain what it was. One of the first acts of the Cortes had been to name a committee of nine members, to consider and propose the alterations which it might appear advisable to make in the constitution. A preliminary attempt was made to restrict the powers of the Cortes themselves, by a motion, that no change should be made in the constitution, unless it was agreed to by two thirds of the members; but this proposal, which would have left the whole matter at the mercy of a comparatively small cabal, was rejected by a very great majority; only twenty deputies having voted in its favour. The committee presented its report on the 30th

of November. The alterations, which it recommended, were the following;—1st, that the whole of that part of the constitution, which contained mere regulations of forms, and regarded organic bodies and laws, should be suppressed. Secondly, that instead of the Cortes continuing to form, as they did, under the constitution of 1812, only one body, the committee recommended, that it should consist of two chambers. "The Cortes shall consist of two co-legislative bodies, differing from each other in the personal qualifications of their members, in the form of their nomination, and in the duration of their functions; but neither of these bodies shall be hereditary or privileged. The members of both chambers shall be invested with equal powers; but bills relative to taxes and public credit shall be presented in the first instance to the Chamber of Deputies; and if they experience in the other chamber any alteration, to which the deputies refuse to give their assent, these bills, as definitely approved by the deputies, shall be submitted to the royal sanction." This, no doubt, removed what had always been considered one of the greatest defects in the constitution of 1812; but the value of this provision would depend altogether on the particular arrangements which might afterwards be adopted under its general words. Thirdly, that the crown should have an absolute veto in the enactment of laws, and should likewise have the power of convoking, proroguing, and dissolving the Cortes; but under the obligation, in the latter case, of assembling others within a given space

of time. By the constitution of 1812, the Cortes met annually on a fixed day, without being convoked by the king; their session lasted till another fixed day; two thirds of the members having the power of adding a month to the session; and the veto of the crown in the enactment of laws was only suspensive. Fourthly, it was recommended, that the members of the Cortes should be chosen by direct election, instead of the system of indirect election, established by the constitution of 1812.

All the changes recommended by the committee were finally adopted by the Cortes. The first article, which suppressed all the introductory part of the constitution, was agreed to without discussion, but the proposal to establish two chambers instead of one did not pass without opposition. Its opponents admitted that the general opinion, whether right or wrong, was in favour of two chambers, and there might be no great reason to apprehend danger, if proper guarantees were given as to the mode of constituting the additional chamber. They would not object to a difference between the members of two chambers, if it was to be merely a difference in age, or in pecuniary qualification; but they would object to two chambers the distinction between which should consist in a difference in the mode of naming the members. If there was to be a second chamber, it must be created by popular election like the other; and this was the more necessary, as the changes now proposed gave the crown much greater powers than had belonged to it under the constitution of 1812. Calatrava an-

swered, that the present question did not regard the constitution of the second chamber, a point which remained open, but only the proposition that there should be two chambers. In this the minister was right; but it was very plain that all the substance of the matter lay in the mode in which the additional chamber should be created; and the committee, by leaving this point open, had left it undecided whether the two chambers were to be useless or beneficial. Calatrava, however, expressed himself hostile to the opinion that both chambers should be created in the same way. In that case, there might be two chambers, but there would, in point of fact, exist only one congress, animated by one spirit, and disposed to promote the same peculiar interests. The advantage of having two co-legislative bodies did not consist in the mere existence of two separate chambers, but in the guarantee which the difference in their constitution might afford, that the bills submitted to the legislature would present themselves to the consideration of each chamber in a distinct point of view, and that, while the discussions of the first would powerfully reflect the popular feeling, the deliberations of the second would be marked by calmness, prudence, and circumspection. The provisions, likewise, for giving the crown an absolute veto, and the right of convoking, proroguing, and dissolving the Cortes, encountered some resistance, and produced some divisions, but the minority never exceeded twenty, and was sometimes as low as six. On the other hand, so fond did the Spaniards seem to be of indirect election, that the proposal of the committee to substitute a system

of direct election was carried only by a majority of 88 against 63.

One of the last acts of the new Cortes in the present year, was to pass a bill authorising the government to acknowledge the independence of the South American colonies. Diplomatic agents from more than one of these states had been for some time in Madrid endeavouring to obtain this recognition, and to conclude treaties of commerce with the mother country. The terms of the treaties did not encounter much difficulty, but the recognition of independence was an indispensable pre-requisite to their being concluded. This recognition itself, again, the government was not unwilling to give, for it was an empty form; but they wished to make it a source of profit, by bargaining that the colonies should pay a large sum of money for the acknowledgement of a sovereignty which Spain could not exercise, and this was a condition to which the colonies had always steadfastly refused to accede. The new ministry resolved to grant the recognition without restriction or condition. As the consent of the Cortes was necessary, under the now-existing constitution, to any renunciation of territorial and sovereign rights belonging to the crown of Spain, a bill was brought in by the government to authorize the queen "to conclude treaties of peace and friendship with the new states of Spanish America, on the basis of the recognition of their independence, and the renunciation of all right of territory or sovereignty on the part of the ancient mother country, always providing that no compromise shall therein be made of the honour or interests of the nation." In reference to the demand which had been made

for money in return for the recognition, Calatrava informed the chamber that the government thought it unworthy of the nation to set a price on such an act, and that some of the American states, moreover, considered that it was not in their power to grant even to Spanish commerce any greater advantages than those which were enjoyed by the most favoured nations. On the 3rd of December the bill passed in the form in which the government had desired it; and on the 29th, a royal decree announced that Spain and Mexico were no longer at war, and that the ports of each nation were open to the ships and commerce of the other.

After the Anglo-Spanish force under general Evans had succeeded, on the 5th of May, in driving the Carlists from their entrenchments in front of St. Sebastian, and from the town of Passages on the opposite side of the Urumea, the army remained within its lines, except when forced to act on the defensive by the attacks of the enemy; for all that the latter as yet had lost was a little ground. The auxiliary legion, several Spanish regiments, and a body of chapelgories or red-caps, amounting in all to between eleven and twelve thousand men, were encamped along a chain of positions extending, over heights and through vallies, a distance of about five English miles. The line was not only a strong one from the nature of the ground, but was strengthened, in its weaker parts, by breastworks, loop-holed walls, and forts or fortified and entrenched houses armed with artillery. Within these defences, however, the troops were compelled to be always on the alert; for they were never secure against harassing attacks from the Carlists, who

were again in a strong position only a little farther removed from the fortress than the one which they had previously occupied. On the morning of the 6th of June, they made an assault on the right of the position, which was repelled with inconsiderable loss, but which was only a feint to divert attention from the left of the position at Passages, where a more serious attack was made at the same time. At first the Carlists carried every thing before them; the British brigade opposed to them was forced to give way, and on some points was pushed back to the water's edge. But reinforcements being brought up, the men rallied; and, what was of at least as much consequence, the armed steam-vessels opened their fire, with shot and shells upon the enemy, who were obliged to retire.

The naval force of Britain had now become the most important part of the forces which were maintaining the cause of the queen in these provinces. It was by the cannon and mortars of the vessels that the Carlist lines had been laid open on the 5th of May, and that the attack on Passages had been covered. But general Evans, because he was acting in connexion with a portion of the British navy, seemed to have taken up an idea that he was himself fighting under a British commission, in a British war, instead of being merely a foreigner who had enlisted into the service of the queen of Spain, as he might have done into that of any other potentate in any part of the globe. Acting on this principle, he issued a proclamation on the 18th of June, declaring that all British subjects, who might be made prisoners fighting on the side of Don Carlos, would be put

to death as traitors\*—as if only general Evans and his followers had the right of lending their aid to the cause which they might be inclined to support. If the general had executed this decree, he would have found it difficult to meet a charge of murder on his return to England.

Hitherto no attempt had been made to execute the intention, which had once been entertained, of clearing the coast of the Carlists from St. Sebastian to the frontiers of France. It was considered dangerous to expose the

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\* The following was the text of this document:—

“Being informed that conversations have taken place at the advanced posts, and in several houses, with deserters of the British auxiliary legion, or of the Portuguese corps, or with individuals expelled therefrom for disgraceful motives, the commander-in-chief deems it expedient to remind the troops, that as the legion is now acting in concert with the English royal marines, all British subjects, who shall be found with arms in hand, aiding or assisting the insurgents, will be considered as rebels to his majesty the king of England, and liable to the penalty of death, which they shall undergo agreeably to the English laws, in the event of their being made prisoners.

“He accordingly directs, that if any of the said individuals, speaking English, or supposed to belong to the categories above-mentioned, present themselves to our advanced posts, they be fired upon by our troops; and he equally orders that all intercourse with the advanced posts of the enemy shall cease, and that our outposts shall remain in a state of continual hostility with the enemy, until he shall have abandoned that practice.

“The lieutenant-general,  
commander-in-chief of the  
corps of the army on the  
Cantabrian coast,

“DE LACY EVANS.

“St. Sebastian, June 18.”

Anglo-Spanish force by a forward movement, unless the Spanish army in Alava were, at the same time, to give full occupation to the enemy in their neighbourhood ; but that army had shewn no signs of life since the useless attack on the position of Arlaban in the month of May, and Cordova was now intriguing in Madrid, while the most favourable season for campaigning was passing away. On the 11th of July, however, general Evans made an attempt on Fontarabia, which, he stated, he had been led to expect might be carried by a sudden assault, as it was defended by only a very slender garrison, which would not offer any serious resistance. The troops, reinforced by a body of British marines who had been landed to assist in the enterprise, and amounting in all to nearly five thousand men, left St. Sebastian on the night of the 10th, and on the 11th continued their march along the ridge of the lofty cliffs which overlook the sea from Passages to Fontarabia. So soon as the vanguard reached the extremity of the heights above the latter of these places, the naval squadron, including armed gun-boats and the war steam-ships, opened a fire of round shot and shells upon the town, to aid the expected attack from the land side. That attack was made, but it was found dangerous to persist in it. The vanguard of the assailants drove in the advanced posts of the Carlists, and carried the bridge of Fontarabia, on the road to Irun ; but a stronger Carlist force, coming up, forced the royalists in their turn to retire, and drove them back across the bridge. More troops having been brought up on both sides, that which was said,

after the event, to have been intended only as a reconnoissance, assumed more of the character of a general action than belongs to such an operation. The Carlists now assumed the offensive. Their attacks were made with great vigour, but they were likewise repulsed with steadiness and intrepidity, and encountered great obstacles from the fire of a company of Congreve rockets. After the engagement, however, had lasted for several hours, general Evans, convinced that Fontarabia was not to be taken by a *coup de main*, and having lost nearly 200 men in killed, wounded, and missing, found it prudent to draw off those of his men who had been engaged, and return with his whole force to St. Sebastian. The Carlists followed, and concluded the day by making themselves masters of the Ametza hill, which formed one of the points of the British position on the left, and of which they retained possession till the 1st of August, when they abandoned it, in consequence of a successful sortie led by Jauregui.

General Evans having dispatched a brigade of his Spanish troops to the westward, in the end of September, to act against a band of Carlists who had penetrated into the Asturias, while Gomez was drawing all the otherwise disposable troops after him in the south, Guibelalde, who now commanded before St. Sebastian, made another attempt against the lines on the 1st of October. He succeeded in erecting batteries within 500 yards of the front of the British line of cantonment, but he had only four pieces of artillery, including a six-pounder, to mount in them. At day break he opened his fire on the quarters occupied by the ene-

my, and under cover of it, pushed forward his infantry to the lines. They repeated their attacks with determined bravery, but were unable to penetrate the works; for they had to do with men at least equal to them in numbers and intrepidity, covered by a strong line of defences, and aided by a far superior artillery. The firing continued after the infantry had ceased to attack, and it was not till the action had lasted nearly twelve hours, that the Carlists retired to their former position. General Evans did not attempt to molest them. He admitted a loss of 400 men in killed and wounded; the former included six officers, British and Spanish; he himself was among the wounded, along with thirty-two other officers, of whom seventeen belonged to the legion, and fifteen to the Spanish regiments. He estimated the loss of the Carlists at more than double his own, while the Carlist general reported it as amounting to only twenty men killed and 100 wounded. During the action, Passages was occupied and defended by the British marines; and the flotilla fired upon the Carlists, wherever its fire could be made effectual against them.

The Carlists, not satisfied with keeping in check the principal Spanish army in Alava, where Espartero, who had succeeded Cordova in the command after the revolution of the 12th of August, still maintained himself at Vittoria, and acting even on the offensive against the army which occupied the lines of St. Sebastian, again undertook the siege of Bilbao, which had cost them in the preceding year the best of their generals. Villareal, who had now taken the command in chief of

the Carlist troops, appeared before it in the end of October with about 8,000 men. The garrison consisted of between five and six thousand men, including part of the British legion which had been sent from St. Sebastian. The besiegers had twenty pieces of artillery and three mortars to mount in their batteries; but the town was protected by a double line of fortifications. The Carlist batteries opened their fire on the 25th of October, and continued it during that and the following day. Two of the principal batteries which defended the town were dismantled, and a breach effected which was thought to be practicable. On the night of the 26th, therefore, a storm was attempted; but the garrison defended themselves so obstinately, that the assailants, after twice mounting the breach, and losing 200 men, were forced to desist. During the night the besieged repaired the works which had been injured. On the following day, the Carlists withdrew their artillery from around the town, having learned that Espartero, on being informed of the danger to which Bilbao was exposed, was on his march to relieve it with a strong division of the main army. On the 29th, Villareal, leaving four battalions to blockade the town, marched with the rest of his force to meet the column of Espartero, who had now advanced as far as Balmaceda; but the latter, when he became acquainted with the approach of the Carlist general, immediately commenced a retrograde movement.

The siege of Bilbao was immediately resumed, although the garrison in the meantime had received a reinforcement of 800 men from Portugalette, whose entrance the

small blockading force had been unable to prevent. The siege was conducted by Eguia, while Villareal watched the movements of Espartero. The first object of the besiegers was to gain possession of the out-posts, and of the fortified positions commanding the river of Bilbao, by which the town could be most easily succoured. On the 9th of November, they stormed the fortified heights of Las Banderas, and took prisoners fifty-five soldiers, and three officers, to whom its defence had been entrusted. On the same day, they carried another fort, called that of the Capuchins, and its garrison, consisting of 110 men and three officers, were added to the prisoners. On the 10th they attacked the fortified convent of St. Mamez, defended by 300 men and six pieces of artillery. After a short, but vigorous assault, the port was surrendered, which gave the besiegers the command of the river, and secured their communications from one bank to the other. On the 12th they were equally successful in carrying a fortified position on one of the bridges, in which they found 150 prisoners, and a large quantity of ammunition.

The trenches were then opened, and the breaching batteries erected. They began to fire on the 18th November, and were principally directed against the convent of St. Augustine, which was reckoned the most accessible point of the works. The garrison of the town answered with a very galling and well directed fire, both from cannon and musketry, so close was the attack, and dismounted a gun in one of the batteries. During the first day of the bombardment, the besiegers lost 100 men in killed and wounded, and no practicable

breach was effected. In consequence, partly, of the continued rain, and partly of some uncertainty regarding the movements of Espartero, the batteries did not recommence firing till the 22nd. The besieged had made use of the interval to fill up the breaches in St. Augustine, and to erect strong parapets in the rear of the convent itself, behind which they might still have a defence, even if that post were carried. On the 22nd the batteries again opened against the convent, and their fire was kept up for four hours, when the breach was reported to be practicable. The assault was ordered: the men advanced steadily under a severe fire of musketry, but they found that ten feet of the perpendicular wall intervened between the ground and the lowest part of the breach; and as they had not the means of overcoming this obstacle, they were forced to retire. The artillery of the town, at the same time, nearly destroyed one of the batteries, and dismounted three out of the five pieces of cannon which it contained. The besieged were still more successful in demolishing the works of the Carlists on the two following days; but Eguia repaired them with great promptitude. On the 27th, the convent of St. Augustin was subjected to a third bombardment, and the Carlists at last carried it, notwithstanding the brave and obstinate defence of its garrison, who were all made prisoners. No sooner was it in possession of the besiegers than the garrison of the town made it the object of their shot and shells.

While these operations were going on, Espartero was making every exertion in his power to relieve a town, the fall of which

might have been ruinous to the cause of the queen. To avoid the necessity of fighting at a distance from Bilboa, he gained the sea coast by a circuitous route, and reached Portugalette, at the mouth of the river, on the 25th November. Villareal, with the covering army, forthwith placed himself between Espartero and the town. The Christino general resolved to force an entrance by the bridge of Castrajana, and there he found his antagonist prepared to meet him. Espartero attacked on the 27th of November, but all his efforts were unavailing. He repeated the attempt on the 28th, but was again repulsed; and as the enemy now threw troops across the bridge to manœuvre on his flank, he found it necessary to fall back nearer to Portugalette, for his safety in a great measure depended on maintaining his communication with the sea. The town, in the meantime, had been summoned to surrender, after the capture of the convent of St. Augustine: but it refused to accept of any terms; both the garrison and the inhabitants, although now suffering under a great want of provisions, being determined to defend themselves to the last. The bombardment, therefore, was continued, but only at intervals; for the cannon were frequently withdrawn from the batteries to strengthen the position of the covering army, when it seemed to be threatened with an attack. Neither was the bombardment, when it did take place, very fatal to the garrison, although it was very injurious to the town.

While Bilboa thus courageously held out, week after week, daily expecting to be relieved, Espartero remained in Portugalette and its

neighbourhood. His army was now raised by reinforcements to upwards of 12,000 troops, men, and artillery, and ammunition had been sent round from St. Sebastian. The naval force, under lord John Hay, without the aid of which, since it had been directed to interfere, no operation had been undertaken against the Carlists, had entered the river, although it could not reach the town; its seamen and marines, and its cannon and shells were at the disposal of the Christino commander. Yet, during the first three weeks of December, Espartero seemed inclined to leave the town to its fate. He was not inactive, for he was incessantly moving, now up the river, and now down—now crossing by bridges of boats, to that side, and now returning to this; but his operations did not seem to be guided by any plan, or to lead to the object for which he had been sent into Biscay. He was at last prevailed on by the remonstrances of the English naval officers to risk an assault of the principal positions of the Carlists on the 24th of December. It so happened that Villareal had selected the same day to attack Espartero. He had marched for that purpose early in the morning, and some skirmishing took place between the outposts; but so violent a snow storm came on, that he halted his men, and as the storm continued unabated, drew them back into their quarters. The Spanish troops and the English naval force chose this moment for advancing: the fury of the tempest, and the thick-falling snow served to conceal their movements. The attack commenced about four o'clock in the afternoon by a picked body of men, who were embarked in

launches, towed by the seamen of the British ships of war, led by their own officers, and protected by the British marine artillery, as well as that of the Spaniards. This detachment pushed up the river, and carried a battery, the possession of which was necessary to enable the main body of the Spanish army to pass the river. A bridge of boats was immediately formed by the seamen, and Espartero had crossed the river while Villaroel was ignorant of any movement having taken place, the snow storm having completely concealed the operations of his antagonist. The Christinos, without loss of time, attacked Monte Cabrus, the nearest position of the Carlists, and carried it without difficulty. They next attacked the more important works on Las Banderas, and carried them before the surprised Carlists could bring up a sufficient number of men for their defence. Villaroel, however, having collected his troops, made a desperate effort to recover this post. He partly succeeded in his object, and the remainder of the night was spent in a changing and unguinary contest, in darkness and tempest, for the full possession of these heights on which all seemed to depend. Twice he attacked in vain the Christinos who had ascended, and as often he repelled their attacks upon himself. Fresh troops crossed the river to reinforce the Royalists, and the British artillery did great execution in the batteries and position of the Carlists, who at length gave way, late in the morning of the 23th, leaving behind them great part of their artillery, and a considerable number of prisoners, and retreating, or rather fleeing, in the direction of Durango. Espartero's vanguard

entered Bilboa on the 25th; the rest of his army took up cantonments in its neighbourhood, but no attempt was made to follow or harass the enemy. The loss on both sides was estimated to be nearly equal, and to amount to about 1,000 men. During the siege 1,500 men of the garrison had been killed or wounded, and some parts of the city had been ruined by the bombardment. The defence had been maintained with great constancy and intrepidity; but it was admitted on all hands that the success of the operation, which at last relieved the town, was owing almost exclusively to the men and officers of the British naval force.

In Catalonia and Lower Arragon, the warfare continued to exhibit a mere succession of isolated movements and attacks on the part of the Carlists, executed by isolated bodies as opportunity offered. In Arragon, Cabrera defeated a body of the queen's troops, consisting of 1,200: more than one-half of them he made prisoners, of whom he ordered a number to be shot. On the other hand, the Christinos retook the fortress of Cantavieja, where Gomez, before marching towards Andalusia, had deposited general Lopez and the other prisoners whom he had taken in the battle of Jadraque. In Catalonia, the Carlists swarmed on five or six points, waylaying separate detachments and small bodies of soldiers, whom they were said regularly to put to death. They thus divided and distracted the attention of the regular troops, who had no sooner driven them from one quarter than they appeared unexpectedly in another. When they were hard pressed, they retired to their mountainous holds, nearly inaccessible.

sible to all but themselves, and concerted new plans for again issuing forth and harassing the Christinos. In the last months of the year, however, Mina had succeeded in limiting the sphere of their depredations, and some of their bands even found it necessary to retire across the French frontier, where they were disarmed by the French authorities. General Mina was conducting this annoying warfare under the pressure of increasing bodily infirmity, which at length terminated his life in the end of December, without his having accomplished, during these last revolutions of the Spanish monarchy, any thing worthy of the reputation which he had formerly acquired.

IN PORTUGAL, the year opened with the second marriage of the young queen. She had become a widow in March preceding, after having been a wife for little more than a month. The Cortes had lost no time in presenting an address, praying her majesty, for the good of the nation, to select a second husband; and, before the end of the year, the marriage treaty had been arranged with Prince Ferdinand Augustus, of Saxe Coburg, a nephew of the king of the Belgians — another branch of a family pre-eminently successful in rising by matrimony. The marriage ceremony, by proxy, took place in the metropolitan church of Lisbon, on the first day of the present year, and on the following day, the queen opened the ordinary session of the Cortes. She told them, that there remained for them, in the present session, “a most important quantity of indispensable legislative labours to give to the constitutional charter of the monarchy, a regular, uniform, and rapid

march. My ministers will propose to you what they have prepared for such an important undertaking; from the initiative which belongs to you will emanate, without doubt, propositions tending to attain the same end; and these, and other projects, discussed with the maturity of prudent and dispassionate legislators, will lay the solid foundations of the future happiness of the Portuguese. From reports which will be laid before you by the ministers of the interior, of ecclesiastical affairs, and of justice, you will learn what has been done in the interval which has elapsed between the past and the present legislative session, as well as the actual state of the administration of the interior, of the Lusitanian church, and of the present course of justice,—matters to which it is right that I should call your most serious attention, with the purpose of establishing, in a manner the most advantageous to the people and least expensive to the public finances, the first of these objects—of giving to the second that protection which religion and the public morals imperiously require—and of disembarassing the third from the confusion in which circumstances have involved it.

But a powerful party in the Cortes was strongly disinclined to leave the doing of these things in the hands of the existing ministry. None of its members commanded respect by their known talents or personal character; and, in politics, they were accused by their opponents of wishing to carry back the nation to the principles of the old regime. But their helplessness in all finance matters did them more injury than any thing else. M. Campos, the finance minister, was

neither sound in principle, nor fertile in expedients. He proposed that the national property should be sold only for cash, instead of being partly paid for in public paper; and thus necessarily diminished the value of that paper, by abolishing one of the modes in which it could be converted into substantial property. He injured it still farther by allowing himself to be seduced, by the want of money, to raise small sums by pledging redeemed paper, which the government was bound to have destroyed: he even pawned the goods which were on hand in the royal silk manufactory. In consequence of the want of confidence in the financial administration, which was daily increasing, the Bank of London gave notice in the month of February, that they would no longer continue to receive the paper currency, as there had hitherto been, in regard, thus far at least, yet very disastrous. This measure immediately acted so powerfully upon the mind of every man, who possessed such a note, that he considered that a time was coming in the dark hour, which was undoubtedly that we are passing now. It appears evident to me, however, that it must be necessary to take immediate steps to prevent its becoming a reality. I am aware of this, and I am convinced that it will be necessary to take immediate steps to prevent its becoming a reality.

wards of 2,000 contos ; and further, that a second deduction of upwards of 2,400 contos fell to be made, because, instead of being absolutely required before the above-mentioned day, there was no pressing necessity of providing for it before twelve or eighteen months, or perhaps longer. It therefore conceived that M. Campos only wanted from 2,000 to 2,500 contos, and declined to grant him more. There must be a great deal to amend in the fiscal administration of Portugal; for it appeared in the course of these discussions, that the revenue of the post-office only covered its expenditure, and that the custom-houses of Elvas and Campo Mayor, on the Spanish frontier, yielded only 500*l.*, and that of Falm in the Algarves not quite 100*l.* per annum.

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well as of the persons employed in the civil service of the government, had fallen greatly in arrear; nay, the very clerks in some of the public offices, had neither writing paper, nor money to buy it with. No person would lend; bills drawn on the minister of finance were laying over dishonoured; he was unable to meet orders on the treasury, even for insignificant sums; and all the public securities were diminishing in value. His colleagues, who saw they would be involved in the ruin which he was preparing, added their remonstrances to the loud disapprobation of the public voice; and M. Campos, on the 6th of April, tendered his resignation, which was at once accepted. The minister of the war department took charge provisionally of the finances, till a successor should be appointed, and applied for assistance to the bank, the merchants, and the capitalists; but his application was refused.

In this state of matters Prince Ferdinand arrived at Lisbon, on the 8th of April, and on the following day was formally united to his royal spouse; but amid the rejoicings with which the event was celebrated, it produced a new element of political discord. The queen had roused the jealousy of the chamber of deputies, by appointing her former husband commander-in-chief of the Portuguese army: they had named a committee to inquire, whether it was constitutional that this office should be held by a foreigner, when the death of that prince put an end to the question. To prevent a similar embarrassment in future, a bill had been introduced, early in the present session, to declare that the chief command of the army could

not legally be conferred either on the new bridegroom, or on any other foreigner. The government used all its influence to postpone, at least, the discussion of this measure; but a ministry so unpopular could not struggle successfully against a popular question. As the time of the expected arrival of the prince drew nearer, the bill was urged forward, and the chamber was deliberating upon it, on the 8th of April, when the president announced that the steam-vessel, which bore his royal highness, was in sight. This announcement, instead of stopping the discussion, only hastened the decision. After a short but noisy debate, the chamber, by a great majority, passed the bill. As yet, however, the measure was only a vote of one branch of the legislature; it was not an act of the Cortes. But it was not to be expected that the queen would regard, without displeasure, such a resolution adopted against her husband, at the very moment when he was setting his foot, for the first time, on the shores of Portugal. Partly from this feeling, and partly to gain time for the construction of a cabinet, which might have more weight with the legislature, she prorogued the Cortes, on the 10th of April, although no part of the budget had been voted, nor any of the taxes approved of.

In forming the new ministry, it was found indispensable, that M. Silva Carvalho should be placed at the head of the finances, and attempts were made to prevail on him to take office along with the late colleagues of Campos. He declined the offer which was made on these terms; all the remaining ministers resigned, and the construction of a new cabinet was entrusted to the

duke of Terceira. The administration was speedily formed. The duke himself was president of the council, and minister of the war department; Silva Carvalho was minister of finance, D'Aguiar of justice, and Miranda of the marine. The home department was given to M. Freire, and the foreign to count Villareal. The duke of Palmella received an anomalous kind of appointment in being named "plenipotentiary" to treat with foreign powers, although the foreign office was in other hands. One of the first acts of the new administration was to convoke an extraordinary session of the Cortes for the 29th of May, and thus remove the unfavourable impression which had been produced by the sudden prorogation before any of the supplies had been voted.

The public tranquillity, however, was disturbed by some riotous proceedings at Oporto, produced by the high price of bread, the duties on Indian corn, and the importation of articles of furniture of foreign manufacture, which the mob insisted would be all made in Portugal, if the duty on importation were only sufficiently exorbitant. On the 25th of April, a riotous assemblage, headed by a cabinet maker, presented themselves before the civil governor of Oporto, and demanded that the further importation of foreign furniture should be prevented. The governor endeavoured to tranquillize them with fair words, but expressed his inability to meet their wishes without instructions from the government, regretting that he could not interfere in their behalf, the trade being a lawful one, and the parties engaged in it paying duties to the crown. The mob then told him fairly, that they would take the

matter into their hands; and proceeding to the quays, increasing in numbers as they advanced, they broke to pieces the contents of a great number of packages which were in the course of being removed to the custom-house. They next seized a lighter, laden with part of the cargo of a vessel from Hamburgh, and threw the goods into the river. They then proceeded to the convent of San Domingo, where the Danish consul, who had been the importer of great part of the obnoxious furniture, had a large amount of property deposited. They forced open the doors, and broke in pieces every package they could get at. While they were thus engaged, the military governor made his appearance amongst them. They at first showed an inclination to abuse him, but the general appearing immediately to join their ranks, gave three cheers for the Queen, and made a speech, in which he promised that their grievances should be redressed, that Indian corn should not cost more than 480 reis an alquier, and that many other benefits should be showered upon them, if they would only show themselves good citizens, and go quietly to their homes. By this means the rioters were bribed away from these warehouses; but the means themselves were mischievous, and the riot was not extinguished. The mob again congregated in front of the custom-house, and attempted to force an entrance. Similar promises prevailed on them to desist, and then they paraded the streets, breaking the windows of tradesmen who dealt in articles of foreign manufacture. No species of force, either police or military, was used for the maintenance of the public peace. As a natural consequence of the

promises which had been made, not only the mob of the city, but crowds of people from the country, brought in by the intelligence that grain was cheap in Oporto, visited the shops of the dealers on the following day, and compelled them to sell at 480 reis, although the price, the day before, had been 860. The dealers forthwith closed their shops; and the crowd began to prepare for further violence, when the civil governor convened a meeting of the municipality, the principal authorities, and the members of the Commercial Association, to take the exigencies of the moment into consideration. The result was a determination to admit foreign wheat to immediate consumption, the Municipal Chamber, as well as some wealthy private individuals, making themselves responsible to the Government for any duty that might be charged upon the article. The great body of the citizens, likewise, finding no protection but in themselves, took measures for using force against the rioters, and succeeded in restoring tranquillity.

The government was still more embarrassed by the question regarding the appointment of prince Ferdinand to the command of the army. It turned out that this appointment had been one of the special conditions of the marriage treaty, agreed to by the former administration; a step than which nothing could be more rash, after the temper which the Cortes had manifested in the preceding year, when the same office was given to prince Augustus. The imprudence of the proceeding was much more glaring, now that the Chamber of Deputies had almost unanimously voted a resolution against it; and common discretion should have taught prince Ferdinand, that, as

circumstances stood, there might be wisdom in not demanding instantly the performance of the stipulation. But he insisted upon his right he claimed immediate fulfilment of the promise which had been made to him before he set out for Portugal. The queen lent all her influence to his application: the ministers yielded, believing themselves bound to observe the engagements undertaken in so solemn a transaction, and the prince was declared commander in chief of the army, and colonel of the 5th regiment of Caçadores. He announced his new character by a proclamation to the army, in which he reprimanded them for want of discipline and subordination to their officers; stated his willingness to ascribe their faults to long habit, rather than to their natural disposition, and to overlook, therefore, what was past; but assured them that, for the future, he would maintain the strictest discipline, by enforcing military law to its full extent. If the giving of this command to the prince was disagreeable to the politicians, it was not likely to be rendered popular among the soldiery, by being announced to them in the shape of reproaches and reprimands.

When the Cortes assembled on the 29th of May, the queen addressed them in a very brief speech, merely stating, that she had found it necessary to convoke them in this extraordinary session, because the previous ordinary session had not afforded sufficient time for discussing and settling the financial measures of the year. But the first thing which the Deputies took up, was the appointment of the prince to the command of the army. The confirmation of the appointment by the present mini-

sters, after the vote of the Chamber, was made matter of serious charge against them, and that, too, by their own declared supporters. The pride of the Deputies, moreover, was injured by the silence which ministers maintained upon the subject, as if the recorded opinion of the Chamber were so light a matter, that not even an apology or an explanation was necessary for having acted against it. It was expected by most of the deputies, that, on the very first day of their meeting, Government would have applied for a secret sitting, in order to convince them by fair means, that as the former administration had agreed to that and every other stipulation of the marriage contract, the present one had only done that which any other would have done—namely, perform what had been sacredly ratified in the name of the queen and the nation. They felt offended at this apparent want of deference, and had determined to show that they would not tamely submit to what they considered an insult. Instead of entering on the financial projects of the government, they discussed the unconstitutional nature of the prince's appointment. As they adhered on this point to their former resolution, and with more violence than before, ministers dissolved them in less than a week after they had assembled, and before any business of any kind could be done. Writs were immediately issued for a new election, the new Cortes to assemble on the 15th of August. The result was less favourable than the government had expected. They carried all the elections in Alentejo, Estramadura, Tras os Montes, and Minho; but they lost them all in Upper Beira,

Douro, and Algarve; Lower Beira was nearly equally divided. They could not reckon on a majority of more than twenty, even while it was unknown what would be the result of the elections of the fourteen deputies returned by the islands. This was a situation in which they had not expected to be placed, and they postponed the meeting of the Cortes to the 11th of September.

But before the 11th of September arrived, the ministry and the constitution were no more. Portugal had not hitherto exhibited any symptoms of dangerous popular discontent. No complaints had been heard against the form of government, which the charter of Don Pedro had created, and the whole kingdom had received with joy. There was no civil war raging, as in Spain, to drive the people to extreme remedies, in order to escape from an anticipated danger. Popular opinion had just dismissed an unpopular ministry; and if their successors and the Cortes had differed upon one particular point, the government had acted most regularly in appealing to the nation. There did not seem to be any one motive for treason and rebellion; unless it were to be found in the desire of some men to secure the triumph of their own views on particular questions, even by revolution—and of others, to establish, by any means, any system which would raise them from obscurity. The successful military insurrection in Spain, moreover, in the beginning of August, was an encouraging example, and was undoubtedly the immediate cause of what followed in Lisbon; for the Portuguese, too, had an older and more democratic constitution, resembling the Cadiz constitution.

of 1812, which could be used as a pretext for rebellious subjects to make themselves tyrannical governors. It did not appear that the government of Portugal anticipated any revolution; yet the plot must have been arranged beforehand, for even the troops of the line had been seduced. On the night of the 9th of September, almost in the very presence of the Legislative Body of the nation, which was to meet only two days afterwards, the drums of the national guards of Lisbon beat to arms. Part of them having assembled at the barracks, they resolved to effect a revolution under the guidance of some obscure leaders, one of whom was a tobacco contractor. But more important personages soon appeared upon the scene. The garrison of Lisbon, and foremost of the garrison, the 5th regiment of Caçadores, of which prince Ferdinand was the newly made colonel, joined the rebels. The united bands then drew up an address to the queen, requesting her majesty forthwith to dismiss the ministry, to annul the charter, and proclaim the constitution of 1820,\* as the only means of saving

Portugal from "some "horrible abyss," on the brink of which these profound and reflective politicians discovered that the nation was standing. They took care likewise to inform the queen, that they would remain in arms till they received her answer. If the insurrection had been confined to the few battalions of the national guard, it would easily have been quelled, or rather would never have taken place; but the revolt of the troops of the line placed Lisbon and the queen at the mercy of the garrison. As she still hesitated to yield to brute force, and put her name to a lie, the mutineers marched to the palace to enforce their commands. A count de Lumiares, who had been marked out as the new minister, and Sa de Bandeira, who had been a member of the Campos ministry, dismissed in April, urged her majesty to consent, and presented for her signature a decree which was already

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\* This constitution, sometimes called that of 1820, and sometimes that of 1822, was originally framed in 1820, decreed by the Cortes in 1821, and signed by king John VI., on 23d September, 1822. It established almost universal suffrage in one of the most ignorant countries of Europe. The Cortes, forming only one body, and elected every three years, met of themselves, and sat for a fixed time. It declared that the initiative of the laws resided solely in the Cortes, although a proposition emanating from the government might be taken into consideration, after having been examined by a committee. They likewise reserved to themselves the right of considering and approving all treaties before they were ratified, and the privilege of altering the fundamental law

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without the consent of the crown. The king had no power either to prorogue or dissolve the Cortes, and at the end of every session, a permanent deputation was to be appointed to continue sitting in Lisbon during the vacation, with power to convoke the legislature in the event of any thing occurring which they might reckon dangerous to the state. When a law passed the Cortes, the king might reject it, assigning his reasons, and that within a month. If a longer interval elapsed, he was held to have assented. If he rejected it, his reasons were to be taken into consideration; and if the Cortes still adhered to it, the king was bound to give his sanction to the bill immediately. The king had the prerogative of naming all civil, military, and naval officers, but the Cortes reserved the power of making these appointments themselves, whenever the majority should find it convenient to pretend that the liberty of the country, or the safety of this constitutional system was in danger.

prepared. She still objected that the decree spoke of her spontaneously acquiescing in the destruction of the charter, which was false—that she had sworn to maintain the constitution established by law—that the legislature of the nation was to meet the following day—that to it all proposals for such changes should be addressed—and that in its presence she would declare her own sentiments on these novel demands. As these plain truths, and this more rational mode of proceeding, pointed at the use of some other means of conviction and deliberation than the logic of bayonets; and as the interference of the national legislature would have implied the monstrous proposition that other persons than soldiers had an interest in making and unmaking constitutions, and might even have embarrassed the said soldiery in its exclusive right of framing governments for the sovereign people; the queen was told that to adopt any other course than immediate concession, would endanger her life. The foreign ministers protested in vain against the violence which was used to compel her to subvert the constitution of the country, and to use language which Lumiares and Bandeira knew to be false. No help was to be found; the raging military without surrounded the palace like a prison, allowing neither egress nor ingress, and the queen at last reluctantly signed the following decree on the 10th of August:—"Having concurred with the representations made to me by a great number of citizens, and taken into consideration the other clear demonstrations of the national opinion in favour of the re-establishment of the political constitution of the monarchy of

the 23d of September, 1822, with such modifications as circumstances may render necessary therein, I have thought fit to declare that constitution to be in vigour, and to order the convocation, under the forms thereof, of the general Cortes of the Portuguese nation, to whose deputies are granted, besides their ordinary faculties, all the powers requisite for effecting the modifications in the said constitution which the before-mentioned Cortes may judge proper." The "great number of citizens," and the "clear demonstrations of the national opinion," were to be found, in so far as Lisbon was concerned, only in its revolted garrison, and some battalions of its national guards, seduced and guided by the unprincipled ambition of men who wished to be revolutionary politicians, because, in no better state of society, could they be any thing. The great body of the citizens, though passive under the terrors of the armed force, regarded the whole affair with alarm and disgust. The people had been consulted, as little as the Cortes; and the queen had not been consulted, but forced. Fertile as modern times had been in revolutions, this was, perhaps, the purest example which had yet occurred of the established representative government of a country being overturned by the armed servants of the state, without one single intelligible reason being assigned to justify such frightful proceedings. The queen's proclamation was immediately followed by the appointment of the new ministry. Count de Lumiares found his reward in being president of the council, and secretary at war. Manuel da Silva Passos was made minister of the home department; Sa da Bandeira took the

finances, and, provisionally, the department of foreign affairs. Vieyra da Castro was minister of justice, and Vasconcellos Correa was minister of marine. Lumiãres and Passos pretended that they were adverse in heart to the new system, and had taken office only to prevent the guidance of this movement from falling into the hands of more dangerous men.\* If it was so, they ought, at least, to have avoided superadding mockery and insult; yet the captive queen was compelled to issue a decree, directing a list to be laid before her, containing the names of the persons who had principally distinguished themselves in the late rebellion; or, as it was styled, "in the happy restoration of the political constitution of the monarchy." Although prince Ferdinand, as a matter of course, resigned the command of the army, when the revolution succeeded, this was not deemed sufficient. Her majesty was made to issue a decree, depriving him of that office, not because the late Chamber of Deputies had been opposed to it, but because the newly proclaimed constitution did not allow him to hold it.

The same force, and the same intrigues which had prevailed in Lisbon, infinitely strengthened by the success of the conspiracy in the capital, imitated its example in

almost all the provincial towns. On the 13th of September, so soon as the intelligence of what had passed on the 10th arrived from Lisbon, an uproar took place, and the constitution was proclaimed. Before the end of the month the emissaries of the party had procured addresses to the queen from almost all the municipalities of the kingdom, announcing their adherence to the new order of things, and congratulating her majesty on the success of the rebellion against her crown and authority. But the most influential classes, whose influence is separated from mere brute violence, kept aloof. Almost all the nobility, the superior clergy, and an immense number of persons holding official situations of greater or less importance refused to take the oaths to the new constitution. The peers, whose existence as a separate legislative body, was abolished by the re-establishment of that constitution, addressed to the queen an energetic protest against all that had been done, insisting strongly on the sentence of condemnation which the mutineers had pronounced upon themselves, by compelling the adoption of a constitution wherein it was expressly written down that no part of the armed force could ever assemble to deliberate or frame resolutions. "The constitutional charter of this monarchy," said the peers, "granted by a Portuguese sovereign, accepted by all the orders of the state, solemnly sworn to by them and by your majesty, and twice successfully defended by Portuguese blood, could not be revoked or annihilated in a moment of hallucination, by a fraction of the army, when this army, according to the constitution now

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\* The government was clearly taken by surprise: yet it was stated publicly that positive information had been conveyed from the court of Belgium to the British foreign secretary, of a plot against the queen's government. In Lisbon itself, rumours were current in the end of August, that secret meetings had been held to arrange a plan for following the example of Spain, and that the design had been laid aside only in consequence of the approaching meeting of the Cortes.

proclaimed by it, and according to the public law of every civilized nation, is essentially obedient, and can never be assembled to deliberate on and carry resolutions. By the constitutional charter, part of the national representation belongs to the peers of the kingdom; it also belongs to them to watch over the keeping of the constitution; and, without the approbation of their Chamber, no alteration can be made in any of the constitutional articles. These are great prerogatives and important duties, which their honour, the sanctity of an oath, and long sufferings supported by them, cannot permit to be despised. It is, then, on this that they lay the foundation of carrying before the presence of your majesty, as the supreme chief of the nation, this their protest against the illegal decree countersigned by one of your ministers, hoping that your majesty will make such a use of it, that the Portuguese, as well as foreign nations, may have means of knowing that the peers of the kingdom neither promote nor approve revolutions, and that to them honour and an oath are not empty sounds." The organs of the movement, again, gave fair notice of the means by which they were prepared, if necessary, to support their supremacy. "The people are in arms," said the *Toureiro*, one of their newspapers: "Let counts and dukes beware. Though they should entrench themselves in Cintra, there shall they be buried. We shall have in Portugal Sicilian vespers. The heaps of dead bodies shall overtop the mountains, and the torrents of blood shall tear up trees by the root."

The government, on the 8th

October, issued a decree directing the election of a new Cortes in the manner pointed out by the new constitution, but were alarmed, in the beginning of November by an attempt at a counter revolution, which appeared to be begun without any well laid plan, and was not carried through with energy. The greater part of the garrison of Lisbon had been sent to the Algarves, ostensibly to act against some insignificant and scattered bands who were in arms to support the pretensions of Don Miguel, but in reality because apprehensions were entertained that they might be induced to restore the charter as they had been debauched to overturn it. In fact a conspiracy for that purpose in one of the regiments was discovered the night before it marched for the Algarves. It does not strike one that the removal of almost all the troops of the line from Lisbon held out any encouragement to the party of the queen; for it left the capital still more completely under the domination of the revolutionists and their national guards. On the 3rd of September, however, the queen removed to Belem, having ordered that the few companies of the line, and some artillery, which still remained in Lisbon, should accompany her, and that all the ministers likewise should attend her. The latter already suspected that some plan was in preparation; these suspicions had been augmented by the sudden reinforcement of the British and French fleets in the Tagus, and by one of the line of battle ships of the former having taken up an unusual position, which excited considerable jealousy and alarm. Nay a premature disclosure had been made by

the guard at the palace shouting for the charter on the night of the 3d. The ministers, therefore, had the populace and the national guards in readiness, and left Sa da Bandeira in Lisbon to act according to the intelligence which he might receive from Belem. The rest of them followed the queen thither in the evening, where they found her attended by the dukes of Palmella and Terceira, the marquis of Saldanha, many other of the principal adherents of the charter, about 300 men, and a regiment of artillery. They were there presented with a decree which informed them that they were dismissed and their successors appointed. Among the latter there was not one of those who had been in the ministry, against which the revolution of September had been directed. Early on the morning of the 4th, the ex-ministers returned to Lisbon, and instantly adopted measures to keep themselves in office by force, or as they termed it, to protect the constitution of 1820, which would be endangered by their removal. The populace was immediately roused : upwards of 5000 of the national guards, not one half of the whole body belonging to Lisbon assembled in arms in the Campo d'Ourique, and chose for their leader viscount Sa da Bandeira, who immediately posted a strong force on the city side of the bridge of Alcantara, and on the surrounding heights, in order to cut off all communication between Belem and the capital. Some regular troops, whom the queen had secured, occupied the opposite side of the bridge ; but they were only a few hundred men. The colonel of the artillery which was at Belem told her majesty, that though he would

obey her orders in marching towards Lisbon, his men would not act against the people. If the queen expected that she would be supported by any movement in the city, she had been miserably misled ; for every expression of opinion was crushed by the infuriated battalions of the national guards. Freine, who had been minister of the Interior under the duke of Terceira's administration, happening to be recognised by them as he was passing in his carriage, was immediately murdered. They threatened to march upon Belem ; part of them forced the passage of the bridge of Alcantara for that purpose ; the queen found herself compelled at once to enter into negotiations with the rebels, and apply to the British men of war for her personal protection. From three to four hundred marines were landed, and took up a position between the palace and the advancing rebels and mutineers. The negotiations at Belem were conducted on the part of the insurgents by Manuel Passos, the revolutionary minister of the Interior. Various proposals made by the court, and which went to modify the encroachments made on the charter by the late revolution, were successively refused by the battalions assembled on the Campo d'Ourique—for that was the national convention which was now disposing of the fortunes of Portugal. At length it was proposed by the court : 1. That the general Cortes should be immediately convoked, but that the members should be furnished with special powers to make such alterations in the charter of 1826 and the constitution of 1820, as they might deem necessary to secure the liberty of the nation and the

prerogatives of the crown, and as might be conformable with the principles adopted in other constitutional monarchies of Europe. 2. That the Chamber of Peers, as it was constituted before the revolution of the 10th September, should vote upon these alterations, with the exception of those which might relate to the organisation of that chamber. The rebel leaders refused to answer so long as the British marines continued on shore, under the hypocritical pretext that they were putting force upon the queen's inclinations, and Sa Bandeira had the unprincipled audacity to put his name to the dispatch in which this communication was made to Saldanha on the part of her majesty. The queen ordered the marines to be re-embarked. These insurgents then agreed to the terms of pacification, with the exception of that which related to the Chamber of Peers, and the addition of a request that she would dismiss her new ministers, and appoint an administration "possessing the entire confidence of the nation;" that is, that she would select as her chosen servants the chosen patrons of four or five thousand Lisbon scoundrels who called themselves the people of Portugal.\* The queen con-

\* The ultimatum of the rebels in reply to the queen's propositions was the following:—

"1. The General Cortes convoked by the decree of the 8th of October are to meet as before directed; but the representatives will be furnished with special powers for making in the constitution of 1822, and in the charter of 1826, such alterations as they may deem necessary for securing the legal liberty of the Portuguese nation, the prerogatives of the crown of her most faithful majesty, the Senhora Donna Maria II., and which may be conformable with the principles

sent to all that was demanded. Sa Bandeira himself was made prime minister, and retained Passos as minister of the interior, and Vieyra da Castro as minister of justice. The other offices were to be filled up afterwards. The queen returned to Lisbon on the 5th, and on the same day was made to sign a decree returning thanks to the national guard "for their gallant and heroic proceedings, for the proofs of affection and loyalty which they had just given her, and for their very efficient co-operation in re-establishing the constitution with such modifications as the Cortes might make." On the 18th an amnesty was published to protect all persons from punishment on account of the events which had occurred on the 4th and 5th. When the queen found herself compelled to return to Lisbon a captive, the more distinguished of the personages who had attended her at Belém, sought refuge on board the British fleet. Many of them, among whom was the duke of Palmella, proceeded

adopted in the other constitutional monarchies of Europe.

"2. The acts of government since the 10th of September, and especially the decrees, the execution of which is in operation, shall be guaranteed.

"3. Her most faithful majesty is besought to be pleased to appoint a ministry possessing the entire confidence of the nation.

"4. The general desire of all the Portuguese is to secure the public liberties, and to preserve the prerogatives of the crown, and the dignity of the throne.

"These noble ends attained, no sacrifice will be considered of any moment in lending government all the support which citizens are enabled to afford. Harmony among all the Portuguese, public order, and individual security of all the undersigned citizens, whom the purest national interest preserves."

to England ; the duke of Terceira landed again, when the immediate danger was over, and remained in Lisbon ; marquis Saldanha retired to Cintra.

The three ministers, who were now restored to power, exhibited a striking regard for that constitution which had been made the ladder of their ambition, in preparing for the elections which were to take place in the end of November. They wished to be members of the Cortes ; but the constitution expressly provided, that no minister of the crown could be elected a deputy ; and they did not wish to resign. They escaped from their difficulty by the simple expedient of issuing a decree, which declared it to be expedient that the inconvenient article of the constitution should, for the present, be suspended. This was a step which did them great injury even with their own partizans, and cost them their elections for Lisbon ; but all the three were returned for Oporto, where party spirit did not run so high, and the new constitution was not so devoutly adored. In Lisbon, they were in a manner dependent on the officers of those battalions of the national guard who had joined in the insurrection. When Passos wished to recommend a spirit of kindness and reconciliation, it was these officers that he assembled, and he assembled them in the office of a radical newspaper. When "the people" pronounced judgment on any act of the ministry, this was the doing of a meeting of officers of the national guard. In defiance of the amnesty, they insisted that every person, who had taken the part of the charter during the disturbances of the 4th and 5th November, should

be dismissed from the public service, and that Passos himself should retire from office, to make way for a better minister of the interior in the person of a certain radical major. The ministers, however, though harassed by those who had made them, driven to their wits' end by the want of money, and unable to complete their own number, resolved to remain in office till the Cortes should assemble in January following.

The government, having no means of raising money, endeavoured at once to acquire popularity, and to lessen the pressure of its necessities by diminishing expenditure. Some public offices were altogether suppressed ; in others the number of persons employed, and the salaries of those who were retained were reduced. Don Pedro had abolished tithe, probably with the view of enlisting the landed proprietors in his favour ; no fixed provision had been made for the parish priests and curates, many of whom were reduced to the most abject state of penury. In the ordinary session of the Cortes in the beginning of the present year, two expedients had been proposed ; the one to make these priests and curates stipendiaries on the general revenue of the country, the other to impose a special tax which should be appropriated exclusively to their maintenance. The former was adopted. The ministry of the 10th September, finding it convenient that the treasury should be relieved of this burden, issued a decree, ordaining a junta to be formed in each parish, to fix a proper amount of income for its clergy ; and authorising them to levy the sum so fixed upon the parishioners, to be recovered either

in money or in kind, and to sue for it, in default of payment, as for a debt due to the crown. Thus the debtors were both to fix the amount of their debt, and to direct measures against themselves for its payment. Another decree was issued in November, to introduce one uniform system of duties on vessels sailing from Portuguese harbours, by imposing a duty of so much per ton, and to remove a great variety of complicated forms which produced delay and inconvenience in clearing out merchantmen. In December appeared an ordinance abolishing the slave-trade, by prohibiting, under very severe penalties, the importation and exportation of slaves in all the Portuguese dominions without exception. The value of this decree depended entirely on the inclination and the power of the government to enforce it.

The commercial treaty between Portugal and this country was to expire on the 31st January of the present year, and the Portuguese government had given notice in 1835, that it would not be renewed in the same form, or on conditions so favourable to Britain. Negotiations for a new treaty were commenced, but did not appear likely to lead to any satisfactory result. In December, 1835, the British government applied for a prolongation of the treaty from the end of January to the end of April, on the ground that it was impossible to have a treaty concluded before the expiration of the former period. The request was granted, on its being clearly understood, that, whether a new treaty was concluded or not, certain specified articles of the existing treaty would cease to be in force after the

30th April. These were articles which fixed the duty on British produce at fifteen per cent, for goods enumerated in the Portuguese tariff, and bound the government either to take the merchant's invoice for the value of goods which had no tariff, or to take the goods themselves, paying for them ten per cent on the invoice price. When the 30th of April arrived, no treaty had been concluded; but so anxious were the Portuguese authorities to get money by higher duties, that they refused to allow large parcels of British merchandise to be cleared out on the last day of April, under the old regulations, insisting that the 30th of April was not to be counted, and that the prolonged term had expired on the day before. The political changes which followed left matters in the same unsettled state at the end of the year, in which its commencement had found them; with this difference, that a new scale of duties had been propounded to the Cortes, which seemed to render impracticable the conclusion of a commercial treaty on any fair principles of reciprocity.

Equally unsettled remained a far more sacred claim, that of the British volunteer troops, who had borne so large a share in bringing the civil war to a successful termination in favour of Don Pedro, and in securing the crown to the reigning queen. It was not to be expected that a country, which annulled the pecuniary recompence granted to the duke of Wellington, who had saved it, would treat with less injustice men who had served it in a capacity not recognised by their own government. These men had spent year after year in

fruitless applications for their arrears of pay and other gratifications, for which the faith of the government was engaged. Some of them had returned to England, abandoning all hope of redress; others had been prevailed on to go to Spain with empty promises; nearly two hundred of them were still living in misery on board receiving ships at Lisbon. At the end of 1833, Don Pedro had authorised marshal Saldanha, when commanding the army before Santarem, to offer certain terms to the British auxiliaries then in the service, in order to induce them to accept of Portuguese pay from the 1st of January, 1834, in lieu of the British pay, for which they were then serving. An agreement was accordingly entered into by the assistant adjutant-general, Thomas Pinto Saavedra, to the effect, that the common soldiers were to receive, at the end of the campaign, from 30*l.* to 40*l.* each in national land, the corporals, sergeants, &c., in proportion, besides their pay; pensions for the wounded, widows, &c., were likewise provided. The government submitted the claims which the men had made under this agreement, to a committee of six officers. The majority invariably decided against the men, who were compelled to go away under a private assurance which used to be given them, that they would ultimately be paid. Those who went to Spain, about 450 in number, offered to take 6*l.* 15*s.* each, and give up the whole of their outstanding claim; but they were amused with promises until the last minute, and were then hurried off without receiving anything. The same treatment was preparing for those who still

remained in Lisbon. In the majority of the committee of officers was colonel Saavedra, the very man who signed the agreement. The revolutionary change of the government brought no change of purpose. The new cabinet named a new commission, but refused the request of the applicants that it should contain a French and an English officer. In truth, the display of British force before and during the events of the 4th and 5th November, had excited in the insurgent population of Lisbon a strong feeling of dislike against all our countrymen.

Yet it happened that British force preserved to Portugal one of her colonies. In the month of May, an insurrection broke out in the capital of Mozambique, either with the mere object of plunder and massacre, on the part of the insurgents, or with the intention of declaring in favour of Don Miguel. The plot originated with some of the officers of the fort of St. Sebastian, in conjunction with some Portuguese prisoners banished to that province. Having captured and imprisoned the governor, they remained in possession of the town and forts from the 26th of May to the 14th of June. On that day, the British brig of war, *Leveret*, in search of slave vessels on the coast, sailed into the harbour. A requisition was immediately made to the commander, Lieutenant Bosanquet, for assistance, which was promptly acceded to; and by his advice the plan of a combined movement of the Portuguese troops and the men from the brig was formed, to be put into execution the ensuing night. This movement was effected with such secrecy and precision, that by the following

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morning the forts had been regained, the governor released, and the lawful authorities reinstated, without bloodshed, and before the people of the town were aware of what was going forward. Lieutenant Bosanquet and his crew retained possession of the custom-house and palace for two days, till tranquillity was perfectly restored, and then sailed for the Cape of Good Hope, carrying with him the principal insurgents, to be sent prisoners to Portugal.

## CHAP. XIII.

*Differences regarding the union of Luxemburgh to Belgium—HOLLAND—BELGIUM—Municipal Law—GERMANIC DIET—Decree for the reciprocal giving up of political offenders—Completion of the German Commercial Union—NORWAY—SWITZERLAND—Disputes between France and Basle—Complaints of Foreign Governments of the protection given to political refugees—Report of the Committee of the Diet—Resolutions of the Diet for the expulsion of foreign conspirators—Proceedings of the Diet regarding a supposed French spy, and the conduct of the French ambassador—Resolution to communicate these proceedings to the French government—France demands satisfaction and stops all intercourse with Switzerland—Extraordinary meeting of the Diet—Answer of the Diet to the demand of France abandoning the obnoxious resolutions—Termination of the dispute—CRAKOW—Demand upon its government by Russia, Austria, and Prussia to expel all Poles and other suspected persons—Occupation of the city by the troops of the three powers—Banishment of the Poles—Usurpation of the Government, and changes in the Constitution by the three Courts.*

THE points, which were still in dispute between Holland and Belgium, continued nearly in the same state in which the former year had found them. The principal subject of difference regarded the cession to Belgium of the Flemish part of the grand duchy of Luxemburgh. For the cession thus to be made by the king of Holland as grand duke he was to receive an indemnity in the province of Limburg; but Luxemburgh was included in the territories of the Germanic confederation, and could not be ceded without the consent of the Diet. That body, it was understood, was not unwilling to agree to the cession, on Belgium acceding to certain

military arrangements and precautions; but it would not consent to the diminution of its own territory, and demanded, that as the part of Luxemburgh which was to be given up was to be taken, not from Holland, but from the confederation, so the portion of Limburg, which was to be given as an indemnity, should become part of the confederation. The king of Holland declared, that he could not concur in this arrangement, and that the ceded part of Limburg must be united to the Dutch provinces.

In HOLLAND itself, public affairs presented no materials for history. The States General were principally occupied with the ameliora-

tion of the criminal code, and the ordinary matters of finance. They found the revenue equal to the expenditure, and were able to reduce some of the taxes: they voted all the necessary supplies; but they refused a proposition of the government to fix the budget of ordinary expenses, and to grant the ways and means to raise it, for another period of ten years, three years of the current decennial period being still to run. They likewise passed an act for making the colonies bear part of the debt which had been contracted on account of them. Public attention was occupied for a time by prosecutions carried on against a separatist clergyman, called Scholte, for irregular preaching. On the 19th of January he was convicted at Utrecht, along with some inhabitants of Loosdrecht, seceders from the reformed church, who were included in the same indictment, on a charge of having assembled in meetings of more than twenty persons. On this occasion the court declared that the acts charged were contrary to law, but, taking into consideration the circumstance that no indecorum or disorder had been committed, adjudged the preacher to pay only a fine of twenty-five florins (2*l.* 1*s.* 8*d.*), and three of his associates eight florins each (13*s.* 4*d.*). Other three of the parties accused were acquitted, on the ground that, though they had spoken, it was not proved that they had taken any leading part in the meeting. On the 25th, Scholte was again brought before the correctional tribunal of the Hague for performing public worship on the 29th of November in a house at Bodegraven, where more than twenty persons were assembled. The

owner of the house was indicted along with him. The former was now fined 100 florins (between 8*l.* and 9*l.*), and the latter in twenty-five florins. These sentences were carried to the supreme court of appeal in Amsterdam, which reversed all of them, on the ground that the meetings had nothing secret about them, and were not calculated in any way to endanger the public peace, the persons present at them having assembled merely for prayer.

In BELGIUM the principal occurrence of the year was the passing of an act to establish a municipal form of government for the towns and communes. The provisional government, called into existence by the revolution which separated Belgium from Holland, had made these local governments purely democratic and altogether independent. Although the government felt all the inconveniences resulting from these separate institutions, they had hitherto remained on the same footing; for a new dynasty would have acted imprudently in encroaching at once on existing popular rights. For two sessions, however, a bill had been before the legislature to re-organise the municipal governments, and to limit their absolute independence, by giving the crown some influence in their formation. The bill left to the citizens the election of the municipal councils, but it vested the appointment of the burgomaster and magistrates (echevins) in the king, under the restriction that they should be selected from among the members of the council. This prerogative had been long and obstinately resisted by those who styled themselves the liberal party; but the measure passed into a law in the beginning of the present

year, by a great majority in the lower chamber, and unanimously in the senate. There could be no doubt that it gave, and was intended to give, great weight to the crown both in the internal management of the municipalities, and in the elections to the legislature, and increased the general influence of the executive by adding to its patronage; but, on the other hand, under the existing system the party spirit of different kinds, which prevailed exclusively in different parts of the kingdom, had often been the source of great weakness and much embarrassment to the executive. The other interests of the country, as described by the king in his speeches and messages to the chambers, were prosperous. A reduction of three millions of francs was to be effected in the floating debt: trade and manufactures were flourishing; the demand for Belgian coal was increasing; and the formation of rail-roads, under the auspices and by the aid of the government, was going on with great activity.

The GERMANIC DIET still watched vigilantly over the proceedings, and multiplied its precautions to protect the confederation against the arts, of the hot-headed demagogues, who, under the affected title of "Young Germany," were the apostles of unprincipled laxity in politics, morals, and religion. On the 18th of August, the Diet adopted the following resolutions to prevent such offenders in one state from finding an asylum in another—the Diet thus coming again into collision, as it had already done in relation to the press, with the privileges of the legislature in those countries of the confederation

which possessed representative governments:

"Art. 1. As the object of the German confederation is the maintenance of the independence and integrity of the German states, and the internal and external tranquillity of Germany, and as the constitution of the confederation, on account of its connexion with the constitution of the several states, is to be considered as a constituent part of the latter, and consequently an attack directed against the confederation or its constitution includes in it an attack on each state of the confederation, every enterprise against the existence of the integrity, the safety, and the constitution of the German confederation, is to be looked upon and punished in the several states, according to the laws now existing, or to be in future enacted in them, by which a similar attempt against the state itself would be punished as high treason. Art. 2. The states of the confederation mutually engage to each other to deliver up, if required, to the state injured or threatened, individuals guilty of plots against the sovereign, or against the existence, integrity, constitution, or safety of another state, or of joining or encouraging associations for that purpose, provided that the individual in question is not a subject of the state which is called on to deliver him up, or detained there to be tried or punished for other crimes. If the enterprise is directed against several states, the person accused is to be delivered up to that state which first demanded it."

In the present year, likewise, the gigantic object after which Prussia had so long been labouring—to unite the German states into one

body, by a commercial treaty, which should introduce into all of them the same scale of import and export duties,—was brought to a successful termination by the adhesion of the grand duchy of Nassau, and the free city of Frankfort. The latter had been prevented from sooner joining the union by a treaty concluded with this country in 1832, which prevented Frankfort from making any alteration to the prejudice of Britain in the then existing tariff. As the union extended, one member of the confederation becoming a link in it after another, Frankfort represented to the British government, that if the city did not join the union, its commercial interests would suffer the most grievous injury, and even the advantages which this country was supposed to derive from the treaty would cease to be of any value. The British government consented to put an end to the existing convention, and in the month of January the senate of Frankfort formally acceded to the commercial union. The principle of this union, which was allowed very foolishly to excite alarm in some foreign countries, was in itself extremely simple and excellent, although the difficulties, which must have stood in the way in carrying through its details might well have appeared invincible. Every sovereign prince in Germany, from the greatest to the most insignificant, protected his territory against the forced inroads of his neighbour as if he had been an enemy. He surrounded it with his own custom-houses—he had his own tariff of import and export duties. These applied not merely to goods coming from or going to countries which were foreign in regard to Germany, but likewise to

the commercial intercourse of the German states with each other; and thus merchandize was exposed to a succession of imposts, examinations, and delays, more or less numerous according to the number of states through which it had to pass before reaching its ultimate destination. The principle of the new union was, that all these internal duties and obstructions should be abolished; that one uniform rate of duty should be adopted, to be levied in the frontier states, for behoof of all, in such proportions as the parties could agree upon, and the circumstances of the case rendered equitable. A system of great simplicity and convenience was to take the place of one remarkable only for being confused and troublesome, and the expense of a whole host of custom-house officers in the interior was at once got rid of. The difficulties to be encountered were, no doubt, formidable; for, in order to fix one uniform duty, the rates in some states had to be lowered, and these feared that their revenues or their own manufactures would suffer; in others it was necessary to raise them, and these were apprehensive that articles which they required would become too dear. But the patience, the skill, the tact of the Prussian government surmounted every obstacle, and it completed successfully, after years of labour, an undertaking, which, at its outset, had been regarded as chimerical. The union was absurdly spoken of in the House of Commons as being an invention of Russia to injure British manufactures. In the French Chamber of Peers, the ministers were taken to task by the opposition for not preventing it. Why?—because, forsooth, it would

encourage a spirit of combination among the German states, while it was the interest of France to keep them divided. This union had nothing political in its principles or arrangements: it included absolute monarchs, and representative governments. It is very true that Germany, by learning the advantages of such an union in commercial matters, may learn its value in political relations; that, however, is a lesson which can do Germany nothing but good.

The union of Norway to Sweden in 1815 had not taken place with the good will of the former country, which had never ceased to manifest much jealousy of its more powerful neighbour. By the treaty of union, Norway, though placed under the same crown, was to be on a footing of perfect equality with Sweden, retaining its own independent and much more democratic Legislative Constitution. The Norwegians were apt to find symptoms of an inclination to violate this equality, and give a preponderance to Sweden, in matters where probably no such intention had been entertained, and complained that the Government acted as if Norway were to be considered as included in Sweden. Thus, the Storting was much occupied during the present year, with alleged encroachments of this kind on the nationality of Norwegian commerce, which tended, they said, to accustom Europe to the idea that there was no Norway, and no Norwegian flag, except in so far as they might be found under the denomination and the flag of Sweden. It was stated that some of the consuls in foreign countries had enjoined Norwegian ships to hoist the Swedish ensigns; and foreign shipping lists were

produced, in which Norwegian vessels were entered as Swedish, although the attention of the consul had been specially directed to this glaring violation of the independence of Norway. It was proposed therefore, to present an address to the King, praying his majesty to obtain the full recognition in all seas and harbours of a separate Norwegian mercantile flag, and likewise to take care that the legal rights of Norway, as being entirely independent of Sweden, and standing on a footing of perfect equality with that country, should be more clearly expressed in the colours and insignia of the union flag, and by using the arms of Norway as well as those of Sweden in the coinage and in the public seals. The constitutional committee of the Storting presented a report on this proposition recommending its adoption; but the discussion was prevented by the Assembly being prorogued on the following day. The internal state of the kingdom appeared to be flourishing. Although the land-tax had been reduced one half, there was a considerable surplus of revenue. Notwithstanding the protection given by this country to the timber trade with the Canadas, which was admitted to be prejudicial to that of Norway, the exportation of fir deals had been increasing. During the first six years of the union with Sweden, the annual quantity exported had sometimes been as low as 120,000 lasts, and had never exceeded 160,000; while during the last six years it had never been below 170,000, and the average of the last three years was 214,000.

In SWITZERLAND, the dispute between France and the rural division of the Canton of Basle, the

origin of which has been mentioned in our annals of the former year,\* still remained unsettled, and the non-intercourse resolutions, which had been adopted by France, were strictly enforced by a cordon of *gens-d'armes*, infantry, and cavalry stationed along the French frontier, where it touches the territory of Basle. The French government having refused to listen to propositions which were made for a compromise of the differences, the Cantonal authorities commenced reprisals. As the quarrel had begun in their refusing to allow a French Jew to become a landed proprietor within their territory, they now decreed that no French Jews should be permitted even to enter the Canton, and that the communes adjoining France should furnish patrols to enforce this ordinance. Some of the other Cantons complained that Berne, the directing authority of the confederation, had not taken up the matter with sufficient vigour; while the Directory stated that it was using all its efforts to lessen the difficulties which stood in the way of a settlement, but that the French Government increased them by raising other questions which affected Switzerland much more generally.

These other questions regarded the protection and encouragement which dangerous political refugees found, or were alleged to find, in some of the Cantons. The demands, which had originally been made to the Directory by the neighbouring German states, to expel these persons from the Swiss territory, or to adopt other police precautions to render them innocuous, were now insisted on with

at least equal vehemence by France. In 1834, the Diet had adopted resolutions which appeared to be satisfactory to the other powers; but Berne, in which radical influence was strong, had protested against them, and Berne had become in 1835, the directing Canton. In that character Berne had to discharge the duty of carrying these resolutions into effect, and it was not to be expected that it would be very rigid in enforcing measures which it had reprobated. In the Diet of the present year, accordingly, the complaints and remonstrances of the neighbouring governments were renewed; and it was particularly pointed out that no real good could be effected, so long as each Canton was allowed to act for itself even in executing general resolutions; because there were Cantons under the denomination of a party sufficiently democratical to join in principle with fugitive rebels, and to protect every attempt against other established governments as a meritorious work. The French minister addressed to the Diet a note, which it considered to be too imperious; and certainly it was not to be forgotten that Switzerland was placed in a situation of great difficulty, however sincere its government might be. On the one side, was the danger of civil war among the Cantons, and on the other the risk of foreign quarrels. Zurich proposed a concordat, establishing uniform regulations for all the Cantons with regard to the rights of hospitality, and the measures to be taken by the police for expelling those who might prove unworthy of this right. This proposition was warmly supported by the aristocratic Cantons, and particularly by Schweitz, Unter-

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\* Vol. lxxvii, p. 487.

wald, and Uri; while the democratic Cantons as vehemently maintained that each Canton should be allowed to exercise or refuse the rights of hospitality according to its own judgement. The Diet referred the whole matter to a select committee. The committee made a very detailed report on the facts which had occurred and the measures which ought to be adopted. Some of these facts were of a singular character; and they must be assumed to have been stated on sufficient evidence: for neither the Diet nor its committee were inclined to admit the allegations of the foreign powers to be well-founded farther than they were proved. The report set forth that the committee had examined a great number of official documents laid before it by the Directory, the most important of which was a report from the Council of Police of Zurich to the government of that Canton, dated June, 1836. The chief of the police, having learned that Dr. Rauschenplast, a bold and enterprising man had returned from Spain, caused him and other persons to be closely watched. Rauschenplast had formed the plan of an invasion of the Grand Duchy of Baden, near the Black Forest—not with any hope of success, but to keep up the revolutionary spirit in Germany. Soon afterwards a baron D'Eyb appeared to be very active among the German refugees, attending the secret societies they had formed near Zurich. They met with closed doors; but a young woman distinctly heard one of the members repeatedly put the question, whether a person whose name she could not make out ought not to die, and many others

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reply, "Yes! he ought to die." The denunciation of this fact, preceded by the murder of a refugee of the name of Lessing, and the falsification of baron D'Eyb's passport, induced the police to seize that person and his papers. This step produced the following discoveries:—That political clubs attached to the association called Young Germany were established in the Cantons of Zurich, Berne, and Lucerne, and probably in others: That a general assembly of delegates from all the clubs was shortly to take place at Granges, half way between Bienne and Soleure: That the club at Zurich urged the others to come to action, to which they were rather inclined: That endeavours were made to seduce the Tyrolean workmen. The police afterwards ascertained that all the clubs did not send deputies to the meeting at Granges, and that there was no trace of any union between the German and the Italian, Polish, and French clubs, the Germans being afraid of being made the dupes of the others. There were at least eighteen clubs of Young Germany, whose motto was, "Liberty, Equality, Humanity," and emissaries were employed in forming others. Very few Swiss had joined the association. All the members had supposititious names by which they were known to each other. From a report from Berne it appeared, that there were relations between the associations called Young Germany, and another called Young Europe, and that the journal "Young Switzerland," was the organ of the association. Article fifty-two of the statutes of Young Germany declared that an act of treason committed by a member of the associ-

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ation was worthy of death; and the information laid before the committee convinced it that the death of Lessing had been a consequence of that article. A sentence of death had also been pronounced against two brothers named Breidenstein, but they saved themselves by flight.

When such things existed, there could be no doubt that Switzerland was bound to prevent her territory from being converted into a manufactory of conspiracies against the governments of her neighbours. The measures proposed by the committee for this purpose were; "1. All refugees or other foreigners, who have abused the asylum granted them by the Cantons, or who have compromised the internal tranquillity of Switzerland or its neutrality of international relations, shall be expelled from the territory of the confederation, with the concurrence of the directory. This shall be done without delay; but nevertheless, without prejudice to the action of justice. 2. The Cantons have cognizance of cases within their respective territories. 3. The Federal Directory shall watch over the prompt, faithful, and uniform execution of articles 1 and 2, and address to the Cantons, in case of need, directions and instructions. 4. If a Canton neglects or refuses to expel a foreigner, whose remaining in Switzerland is against article 1, the Directory shall refer the case to the Diet. 5. In a month after the adoption of these resolutions, and their being communicated to the Cantonal Governments, the Federal Directory shall make a report to the Diet as to their execution, or to the Cantons, if the Diet is not sitting, or has not been especially convoked for the purpose."

These proposals were not considered altogether sufficient by the foreign powers, in so far as they left it to the Cantons to decide on the particular cases which might occur in their respective territories, so that the connivance or inaction of any one of them would neutralize the whole measure. France, in particular, was very exacting, and the German powers were too happy to find so powerful an ally. She instructed her minister at Berne that "Switzerland must be addressed in frank though harsh language. If she will pay no attention to the demands and counsels of France, she must then consider herself as having quarrelled with France, and her resistance will be followed by a hermetical blockade." The Diet, however, having appointed a council or deputation of six of its members to superintend the execution of the resolutions, in conjunction with the directing Canton, in whose cordial co-operation the foreign powers did not repose much confidence, the latter acquiesced in this determination, which was embodied in a *conclusum* of the Diet of the 23d of August. The *conclusum* itself was not carried unanimously in the Diet, although it was adopted by a great majority; and even after it had been voted, the grand council of the Pays de Vaud passed a resolution that they would not obey it, because it was a degrading submission to the commands of foreigners, violated the federal compact, and infringed on the privileges of the Cantons, and was therefore a measure which the Diet had no power to adopt, or to make binding upon the minority. Geneva voted against it; but her representative council declared that notwithstanding this vote, the Canton did

not the less consider that the decree ought to be faithfully put to execution, having been adopted by a constitutional majority of the Diet.

Scarcely had these matters been thus arranged when a new occurrence threatened to become a source of still more serious disagreement. A person of the name of Conseil had been apprehended in 1835 at Paris, as having been concerned in the plot of Fieschi against the life of the king. No evidence had been procured to substantiate any charge against him, and he was dismissed. He appears to have afterwards gone to Switzerland, and in July of the present year, the duke de Montebello, the French resident at Berne, denounced him to the Directory, as a character dangerous to the peace of France. Conseil having been apprehended, the Directory came to be satisfied, from his own confessions, and the examination of his papers, that he was not a French conspirator, but a French spy, employed by the French government, gaining credence by being treated as its enemy, and travelling under a passport of the French embassy at Berne, granted subsequently to the date at which the resident had denounced him as a revolutionist. The Directory, probably not displeased at having obtained an opportunity of retorting upon France, laid the information and the documents before the Diet, which referred them to a committee consisting of one of the deputies for Zurich and the Pays de Vaud, both of whom, especially the latter, leaned to the democratic party, and one of the deputies of Basle Town, which generally voted in the opposite direction. These gentlemen were unanimous in their

report that Conseil was a French spy, known at the French embassy; and that after he had been denounced to the Swiss government by the French resident, as having been implicated in the affair of Fieschi, he had received a passport in the hand-writing of the secretary of the French legation. The committee only differed as to the steps which the Diet ought to adopt. The deputy of Basle town recommended that the matter should be simply left to the management of Berne as the Vorort; the other two members were of opinion that the report and the documents on which it was founded should be transmitted to the Vorort, with instructions to communicate them to the French government. The consideration of the report led to a warm debate, in which the cantons, who had always been inclined to resist the demands of the foreign powers, shewed some disposition to push matters to an extreme, and to make the most of the advantage which they believed that Switzerland had now gained. Zurich, Lucerne, Glaris, Soleure, Basle Country, Appenzell, Argau, and the Pays de Vaud strenuously supported the opinion of the majority of the committee. The Diet, they said, had no choice: it must either acquit the French ambassador of having done wrong, or inform the French government of his conduct, and it would act absurdly in simply sending back to the Vorort an affair which the Vorort, on account of its importance, had referred to the Diet. They had been attacked in the face of the world, at the very moment when they were faithfully discharging all their duties to foreign countries, and it would be

an immense mistake on their part not to make the whole matter as public as possible. Diplomacy had been caught in the fact; its secret machinations had been brought to light; the plots of foreigners against Switzerland were now unveiled. Switzerland ought to demand satisfaction for such base and malignant conduct, and trace it back to its real authors, however high they might be placed. The system of political police was always one of corruption—a disgrace and pestilence to civilized society. The circumstances, of which the committee had obtained knowledge, sufficiently proved, that this system, which maintained a regular body of instigators to crime, had compromised the neutrality of Switzerland, and endangered her relations with foreign powers. Why had it been thought necessary to send spies into the territory of the confederation? Was there a country in the world where there was less mystery and more open speaking? As no plots were in existence, the agents of police found it necessary to create them, and having made a few dupes, advantage was taken of that circumstance to accuse the Swiss nation. Conseil had endeavoured to persuade some students of the university of Berne to join a secret society; but even if he had succeeded, would that have been a good reason for accusing the university? It was by means of foreign police agents that the tranquillity of the country was brought into hazard; and even these agents were far less to be blamed than the more elevated individuals by whom they were employed. It was the duty of the Diet to publish all the facts which had come to the knowledge of the

committee, in order that all Europe might be made acquainted with the manner in which Switzerland had been treated and calumniated. It ought to be known, that, in order to incriminate Switzerland, it was first necessary to abuse her hospitality, by maintaining spies within her territory. As soon as Conseil was known to be not an accomplice of Fieschi, but a spy of the French police, it was the duty of the French ambassador to declare that he was mistaken with regard to the character of that person, and to withdraw the note in which he had denounced him as a character dangerous to France, whom Switzerland was permitting to reside unwatched within her territory.

Most of the other deputies refused to adopt the hasty conclusion thus proposed, and voted for the *Referendum*, that is, that they would await the instructions of their respective governments. The report, they thought, went too far; it was a bill of indictment against France: it condemned parties over whom Switzerland had no jurisdiction, and it condemned them unheard. Some of them refused to put their faith in the facts stated in the report, for the investigation had not been conducted with all the attention it required. Too great confidence had been placed in the mere statements of Conseil's accusers; pretended confessions had been extorted from him by menaces. Neuchâtel expressed its formal disapprobation of every thing that had been done in the affair; and the deputy for the Valais declared his opinion, that Conseil had never set his foot in the French embassy, and that he was now a tool of that system of terrorism, which,

according to the report of the committee itself, had led to the murder of Lessing. On the first division, the proposal of the majority of the committee was supported by ten votes and a half, which did not form a majority of the Diet; but it was carried on the following day, under some modification, by the accession of Fribourg and St. Gall, which raised the number to twelve and a half. The Diet therefore resolved, that an account of the true state of the matter, together with authenticated copies of the documents on the subject, should be laid before the French government. The ordinary session of the Diet was then closed.

Before Berne, as the directing canton, had taken any steps in the execution of these instructions, France, highly offended at the report of the committee, and its approval by the Diet, had directed her resident to demand full and instant satisfaction, under the threat that the "hermetical blockade" would immediately be put in operation. Accordingly on the 27th of September, the duke of Montebello presented a note to the Directory, couched in very declamatory and reproachful language, far removed from the usual calmness of diplomatic communications, not merely stating the proper ground of complaint, but indulging in much criticism on the internal condition of the Swiss confederation, the weakness of its government, and the violence of unquiet factions who used it as their instrument. He admitted that France had acquiesced in the conclusion of the 23rd of August; he did not complain that it had not been enforced; but he stated that France had nevertheless been

satisfied that Switzerland was sinking under the stroke of internal tyranny, and that a faction had usurped, either in public opinion, or in the council of the state, a preponderance fatal to her liberty. The domination of this faction had now shewn itself still more formidably in the gross insults offered to France in the proceedings regarding Conseil, of which the duke of Montebello seemed to say, that the whole was a fiction invented by the anarchists, for the purpose of calumniating France—that Conseil, one of themselves, had been employed for this purpose to represent himself as connected with the French police—and had been forced to make fictitious disclosures by the dread of being assassinated in virtue of the decrees of secret societies. "The plot," said the duke, "of which the man named Conseil was the artisan or instrument, offers a new proof of the incredible perfidy of the factions, and the no less incredible weakness of some of the constituted authorities. A snare was almost publicly laid for involving the French embassy; and, stranger still, some of the authorities have been sufficiently weak or duped to be rendered accomplices of a plot got up by the enemies of all authority. Some refugees, it appears, had proposed to lead the confederation to retract the principles and disavow the measures announced in the *conclusum* of August 23. Their success surpassed all their expectations; an act of base revenge against the representative of a great state, conceived and carried on by some revolutionists, has, it may be said, been adopted by the legal authority as an act of reprisals by one government against another. Pretended

confessions have been torn, or feigned to have been torn, from an adventurer, with the knife at his throat. Those who had employed him as their instrument arraign him before a self-constituted violent tribunal. By this obscure court he is delivered over to public justice, which regularly enters upon the case, and accepts this series of secret crimes as the foundation of legal proceedings. An inquiry is ordered, not against the affiliated members of a redoubtable association, but upon the facts which they created and then denounced. The Directory referred this unexampled inquiry to the Diet; and the Diet sanctioned by its vote the conclusions of a report in which the rights of nations were outrageously disregarded. Thus foreigners act as the police, and conspirators order arrests, and direct the authorities to proceed. Surely France may say, that when such acts are committed, respect to the French name is much less sacrificed than the feelings of independence in Helvetia, by those cantons which have not dreaded to associate themselves with such machinations. If such proceedings are not promptly disavowed, France will ask whether the rights of nations still continue to subsist between two adjoining states, who entertain mutually so many principles of attachment and recollections in common. France, while leaving Switzerland time to relieve herself from disastrous and criminal influence, and to return to that system of moderation and justice from which she ought never to have departed, owes it to herself to testify in a forcible manner that she feels the insult and expects prompt satisfaction. Until this satisfaction is granted, the under-

signed has received orders from his government to suspend all relations with Switzerland, and in this attitude wait till a wiser policy has assumed its empire over her councils. It is from Switzerland, erring and enslaved, to Switzerland, enlightened and free, that France appeals; and it is from the last she expects a prompt satisfaction." This angry manifestowas immediately followed up by the strict enforcement of a system of non-intercourse along the whole of the French frontier bordering on the Cantons of Geneva and Neuchâtel. It existed already on that of Basle-country in consequence of the dispute about the Jews. At the same time, the payment of the military pensions due by France was suspended.

The affair had now assumed a shape which rendered it necessary for Berne to receive new instructions. It was proposed in the Executive Council that France should be met in the same tone which she had herself assumed, and that the Swiss resident at Paris should be instructed to break off all intercourse with the French government. The majority, however, rejected a proposal which would only have rendered accommodation more difficult, and which, at all events, ought not to be adopted without the authority of the Diet. An extraordinary session of the Diet, therefore, was convoked for the 17th of October, the deputies to be furnished with ample powers and instructions to decide on the existing relations between Switzerland and France. Notwithstanding the violence of the revolutionary press and societies, the instructions given to their deputies by most of the cantons were such as pointed at conciliation. A few of the more democratic

states demanded that the resolution of the Diet regarding Conseil's affair should be maintained; but the great majority left their representatives at liberty to settle the dispute in such manner as might appear wise and prudent, always under this restriction in general terms, that no concession was to be made to France which might be injurious to the honour or independence of Switzerland. Even the Pays de Vaud did not demand that the resolution should be adhered to, whatever might be the consequences, and it had already been prevailed on to abandon its determination to resist, within its own territory, the *conclusum* of the 23rd of August.

When the extraordinary Diet assembled, the Directory laid before them an account of what had hitherto been done in execution of that *conclusum*, and a statement of what still remained to be done in order to give it full effect. They had sent to the different cantons a list of 135 foreigners who had been engaged in plots and conspiracies, with a request that those persons should be sent out of the country. Several of them had accordingly been expelled, but many of them had not yet been apprehended. The Directory admitted that much still remained to be done "in order that the *conclusum* may be fully and strictly executed in a manner re-assuring for Switzerland, and agreeable to international relations. On the other hand the Directory feels bound to state, that a good deal has already been done towards the execution of the *conclusum*, but that the application of the measures recommended by that decree has met with many obstacles in certain states of the confederation, whose institutions and admini-

nistrative forms are opposed to the establishment of a general police, on the plan of that instituted in other states, governed by different political laws, for the protection of citizens. The Directory consequently entreats all the states to devise such measures as are compatible with their respective cantonal constitutions, and in compliance with the principles set down in the federal compact, in order that Switzerland may soon be restored to that state of tranquillity which can result only from the complete and general execution of the *conclusum* of the Diet." All the cantons expressed their desire that it should be fully and faithfully enforced, and a committee of five members, the majority of whom belonged to the conservative party, was appointed to consider of the measures by which that object would be best attained.

Another committee of seven members was then appointed to consider the duke de Montebello's note of the 27th September, and report to the Diet the draft of an answer. The committee reported two answers, one proposed by Berne alone, and a second recommended by the other six members. They agreed in this, that no farther step should be taken under the resolution of the Diet of which the French government complained, and in declining to enter into any discussion with that government regarding the internal state of the confederation. The principal difference between them was, that the draft of the majority, which was intended to gratify the democratic cantons, still spoke of the Diet having had reason to be offended with the conduct of French resident, in not withdrawing his denunciation after the d

coveries which had been made regarding Conseil, and still maintained that the Diet had only done its duty in resolving to lay before the French Government all the documents bearing on the case of a person whom that government had accused. The answer proposed by the minority stated more briefly and simply that "The Diet, in consequence of new discussions on the inquiry relative to the affair of Conseil, approves of the non-transmission of the documents respecting that affair to the French government, and decides that it should have no further result. The Diet regrets that this unpleasant incident should have had the effect of disturbing the relations which have ever been amicable between France and Switzerland, and declares that it never intended to offend the government of the King of the French, or his ambassador at the confederation." It was doubtful whether the reply of the majority of the committee, in the precise terms in which it was conceived, would have been deemed satisfactory by France. Its supporters found it necessary to modify some of the expressions on which they had most prided themselves as being the only language worthy of Switzerland, before they could carry it; and even when thus amended, the Diet finally adopted it, on the 5th of November, only by the smallest possible majority. The answer, which it was thus resolved should be returned to the French government, was the following "France and Switzerland, who have been united for ages, have seen the harmony which reigned between them compromised by a misunderstanding. Both states must be desirous of a re-establishment of their ancient

relations with each other. As the difference has arisen from an error, candid explanations are the only means of putting an end to it, and of restoring the preceding intimacy between the two countries. In the note of September 29 the government of the king of the French complains of the proceedings of the Diet in the affair of the person named Conseil. Before the Diet, which did not give birth to this incident, could make any communication on the subject, the relations between the two states were interrupted by order of the French government. Switzerland has experienced the greater pain from this misunderstanding, as she never could have intended to make the least inroad upon the friendly relations which subsisted between her and France. The duke de Montebello, by his note of July 19, denounced a person named Conseil to the federal authorities. The Directory transmitted to the Diet the documents relating to this person, who had been arrested. The Diet, having referred the note of July 19th, and the documents relating to it, to a committee, resolved to send the latter to the King's government, without any covert design, and without any intention of offending either the government or its ambassador. It never meant to annex the report of the committee, which merely expressed the sentiments of its members, and which related solely to their relations with the Diet, and likewise contained one opinion from a majority, and another from a minority. An incident of this nature ought no longer to interrupt the harmony between the two nations, and after the explanations now given as to a decision which has been interpreted in France in a

manner contrary to the real intentions of Switzerland, the Diet declares that no farther steps shall be taken.

"The note of the duke de Montebello of September 27th contains serious errors as to the internal state of the confederation. The Diet might repel with facts allegations which are without foundation; it might find proofs in the social constitution of the cantons, as well as in their physical and moral condition; but it will not enter into the discussion. The Helvetic cantons cannot admit that any foreign state has a right to superintend their institutions, to control the acts of their governments, or to interfere, directly or indirectly, in the deliberations of the councils of the confederation. Switzerland owes it to herself, on this subject, to appeal to the principles of the rights of nations, and the treaties by which she is acknowledged to be an independent state. For the rest, the Diet, after the explanations it has just given, hopes that the relations of amity between France and Switzerland, which have been cemented by time and usage, will be re-established in the interest of the two countries and of justice. She flatters herself with the belief that the bonds of an ancient alliance, which have been for a moment relaxed, will be drawn more closely and firmly, and that the temporary differences which have arisen will only serve to make both nations feel more sensibly the reciprocal advantages of a union which ought never to have been disturbed." The resolution of the Diet, which had given rise to the dispute, was thus formally abandoned. France accepted the satisfaction which was thus offered; the hermetical blockade

was removed; the former amicable relations were restored; and the Diet separated without even waiting for the report of the committee which they had appointed to consider the best means for securing the execution of the *conclusum* of the 23rd of August.

The republic of Cracow, being infinitely more insignificant, did not escape so happily as the Helvetic confederation from complaints which were founded on similar occurrences. The act of the congress of Vienna had erected the city of Cracow, with a small portion of adjoining territory, into a free state under the protection of Austria, Prussia, and Russia, who bound themselves to maintain its independence, and respect its neutrality by an article in the following terms. "The courts of Russia, Austria, and Prussia, agree to respect, and to cause to be respected, at all times, the neutrality of the free city of Cracow and its territory; no armed force shall ever be introduced into it under any pretext whatever. On the other hand, it is understood and expressly stipulated that there shall not be given in the free city and territory of Cracow any asylum or protection to runaways, deserters, or persons pursued by the law, belonging to any one of the dominions of the said powers, and that on the demand of extradition, which may be made by the competent authorities, such individuals shall be arrested, and delivered, without delay, under a good escort, to the guard, which shall be ordered to receive them at the frontiers." This precarious independence had induced both the Poles, compromised by the they had taken in the last reaction against Russia, and

political fugitives from other countries, to seek an asylum in Cracow. Hitherto they had been undisturbed; but now the neighbouring powers alleged that Cracow had become the scene of revolutionary intrigues; that acts of violence were committed against persons who were attached to the established order of things; that secret societies were organised, at whose command individuals were assassinated, as Lessing had been in Switzerland. It was therefore thought necessary that Cracow should be cleared of all foreign emissaries; and occasion was taken of some ebullitions of feeling which had manifested themselves on the 18th of January, the saint's day of the emperor Nicholas, and which did not express attachment either to the person or the government of the autocrat. The residents of the three courts addressed a note to the senate of Cracow on the 9th of February, setting forth that Russia, Austria, and Prussia saw, in these new occurrences, only a fresh proof of the continued existence of a deep-rooted evil which threatened equally the tranquillity of the republic itself, and the security of the adjoining provinces, and which could be cured only by the removal of all the Polish fugitives, and other dangerous characters. The government of Cracow was therefore called on to expel these persons from its territory within eight days. To facilitate their departure, they would be allowed to go, in the mean time to Podgorze. Those of them who could show that they had the permission of one of the three powers to fix themselves elsewhere would be permitted to proceed to America. All others would be sent to America. All

subjects of other powers likewise whom the powers might point out were to be removed within the same period. If that period was allowed to elapse without these instructions being completely obeyed, the protecting courts would take the matter into their own hands, and effect, by their own means that which it would then be manifest the government of Cracow wanted either the will or the power to carry into execution. In fact, before this note was presented, a body of Austrian troops had been assembled in the neighbourhood of the city for that purpose.

A demand so sweeping, and affecting so many persons, many of whom, in the course of four or five years, had fixed themselves in the republic as a home, was not one to be enforced in so short a period, and necessarily was in itself oppressive and unjust, because it was indiscriminating. The Senate, in their answer to the note, complained of the demand for the removal of the Polish strangers, some of whom had taken no part in the transactions alluded to, while others had been settled for a period of five years in the city, had married, and possessed permanent interests there, and suggested that so sudden a separation would lead to their utter ruin. Notwithstanding these complaints, no additional term of delay was granted, but, on the 17th February, exactly at the expiration of the eight days, the troops of the three protecting powers advanced beyond the frontiers, and took possession of the capital. The forces consisted of Austrian troops, a body of Prussian hussars, and another of Cossacks. General Kaufmann, who commanded them, issued, on the day of his entrance,

a proclamation, which plainly announced, that he had assumed all the powers of government in the "free republic" of Cracow. The occupation would continue till the town and territory were cleared of all dangerous persons; the administrative and judicial authorities would not be disturbed in the exercise of their functions; but in all that related to the measures necessary for the public security, and the expulsion of the refugees, those authorities were to act in subordination to the military authority which was now established." The militia of Cracow were disarmed, because they were thought not to be trustworthy, in order that they might be disbanded and re-organised in a purified form. The president of the republic having resigned his office, not even the forms of the constitution were observed; his successor was named directly by the presidents of the three courts, who veiled their usurpation by calling it a mere interim arrangement.

The apprehension and removal of the Poles, and other suspected persons, was then carried into effect, after it had been farther prepared for, by imposing a fine of 500 florins, or two months imprisonment, on such inhabitants as should aid in concealing an obnoxious refugee. Upwards of 500 Poles were marched to Podgorze, to be ultimately expelled from the country. Some exceptions were made in favour of others, who, not having been military deserters, had connected themselves with the republic by marriage, or the acquisition of landed property; but even these were made to find security for their good behaviour. Absolute expulsion was enforced principally against the fugitives who had taken an active part in the last

insurrection. By the end of April, the expulsion had been effected, and General Kaufmann announced that the foreign troops would immediately depart, except such a detachment as might be necessary for the ordinary duty, and preserving tranquillity. But only a few Russians and Prussians departed. Cracow continued to be occupied by 2,000 Austrian troops; and although the only object announced by the three powers was, the removal of the Polish fugitives, they now proceeded to re-model the institutions of the republic according to their own pleasure. Their residents prescribed to the senate what it was required to do in relation to the militia, to the police, and the admission of foreigners. As already mentioned, one of the first consequences of the occupation had been the disarming and disbanding of the militia, on the ground that it contained persons whom the protecting powers did not wish it should contain. The basis which they now laid down for its re-organisation were, that its commander and officers should have served in the army of one of the three courts, and obtained permission to enter into the service of Cracow: that the commander should likewise be a person "capable of inspiring perfect confidence as to his political principles;" that the privates should be individuals who had not taken part in any manner in the Polish insurrections; and that the force should not exceed 450 infantry, and forty horse. In the department of the police, it was required that the constitution of the republic should be altered, so as to vest the power in the president, who should likewise have the power, concurrence with a committee of

named by himself, to name the police commissioners and assistants: "and as," it was added, "according to the eleventh article of the constitution, these appointments belong to the senate, the three courts intend to modify the article in this respect. The appointment of the head of the police will remain with the senate; but the three courts expect that its choice will be communicated to their Residents, in order that it may be seen whether there is any objection to the selection on their part; for the courts will never consent to see at the head of a branch of the public service, so essential to the security of Cracow itself, and of the neighbouring provinces, a man who does not offer by his previous conduct a perfect guarantee of the rectitude of his political sentiments." Lastly, no foreigner was to be allowed to enter the territory of Cracow, without having—first, a passport, secondly, certificates showing that his political conduct had been inoffensive, and, thirdly, a permission from the president, countersigned by the residents of the three powers. Persons from the environs, having certificates from the local authorities, would be permitted to remain in Cracow for three days. The three ministers who signed the official note, containing these demands, assured the senate that there was nothing in it which could be considered a violation of the charter of the republic.

But their demands did not stop even here. Before the end of the year, additional notes were presented to the senate, requiring that the censorship of all publications should be more rigorously enforced, and that no work should be published, without the appro-

bation of the residents; that all foreign publications, the admission of which was forbidden in the states of the three allied sovereigns, should be likewise prohibited in Cracow; that a chair of the Russian language should be established in the University of the Jagellons, and the students of the University be compelled to learn that language and the German, because this would tend to draw closer the ties that ought to connect the protected and protectors; that the erection of two Greek churches, for the members of that persuasion, and the maintenance of their priests, and other expenses, should be defrayed by the Government of the republic; and that the clergymen of that religion should be under the jurisdiction of Russian bishops. To crown all, the protecting courts set the constitution and very existence of the republic so completely at defiance, that they even interdicted the sitting of its legislature. The Diet of Cracow, which assembles only every three years, was to meet in December. The elections took place in October, with perfect order and decorum. But the residents of Russia, Austria, and Prussia, either dissatisfied with the result of the elections, or feeling the absurdity of a national representative body existing along with a foreign military tyranny, issued a decree in the end of November, postponing indefinitely, the convocation of the Diet. The Austrian troops took up their winter-quarters in Cracow, under this pretext, among others, that the militia was not yet re-organised, while the citizens alleged that it was only the protecting powers themselves who had prevented that re-organisation, and, moreover, had prevented it wilfully.

## CHAP. XIV.

GREECE.—*Visit of the King of Bavaria—Internal arrangements—Disturbances on the Frontier—Successes of the Royal Army—Finances—State of the Interior.* TURKEY.—*Suppression of the Albanian Insurrection—Unsuccessful Insurrection in Bosnia—Kurdistan—Discontents in Constantinople—Affair of Mr. Churchill—The Reis Effendi dismissed on the demand of the British Ambassador—Remonstrances of Russia—Influence and Interference of Russia—Evacuation of Silistria.*

IN the end of 1835, public affairs in the newly-erected kingdom of Greece had already fallen into such confusion, that the king of Bavaria found it necessary to visit the country in person, with the view of restoring tranquillity, and rendering less unpopular the government of his son. His efforts did not appear to be altogether without effect. Although Count Armanberg still continued to be the principal depository of the royal confidence, some regulations were adopted to diminish, at least, the hated preponderance of Bavarian officials in the different departments of the public service. A German still occupied the post of war minister, but the ministries of foreign affairs, of the interior, of justice, and of the marine, were placed in the hands of native Greeks. It was directed that, after the 1st of June in the present year, all ordinances and public documents should be promulgated in the Greek language only, and that a sufficient knowledge of that tongue should

be a necessary qualification in candidates for the public service. A council of state was appointed, which consisted almost entirely of Greeks. The council considered the country already so far advanced as to justify them in issuing a decree for the establishment of a national bank. His majesty returned to Munich after a three months' residence in Greece, having ordered that he should be followed by a considerable portion of the Bavarian troops, the presence of whom contributed more than any thing else to excite jealousy and dissatisfaction.

In the early part of the year, however, the frontier districts towards Turkey were exposed incessantly to the ravages of lawless armed bands. These did not consist of masses of the population rising in rebellion against the government, or of bodies of the national military force seeking to regain their former irregular independence. They were composed of adventurers and depredators w

probably would have been equally the enemies of any government which opposed itself to their exploits of indiscriminate plunder; but they formed a nucleus round which all restless and discontented spirits might gather, and their continued progress, by diminishing the idea of power and security in the government, tended to cherish internal insubordination. When pressed in the field, these marauders retreated across the Turkish frontier, to receive encouragement, it was alleged, from the Turkish governors, and renew their ranks with Turkish recruits. The government resolved to make a strong effort to put down invaders, whose continued inroads not only exposed the inhabitants of the north-eastern frontier to the miseries of a very barbarous warfare, but threatened to become still more formidable by holding out a powerful seduction to the many unquiet spirits with which Greece still abounded. A strong additional force was brought into the field, and sent against the enemy who were ravaging the province of Valtos. The royal army engaged their main body, on the 23rd of April, at Fourcha and Retha, frontier villages of that province. The engagement, which was obstinately maintained for several hours, terminated favourably for the royal army. On the following day, the latter again attacked the enemy with still more decisive success, and, in a third engagement, on the 25th, routed and dispersed the invaders, and took possession of the mountain passes of Thessaly.

This expedition, however, cost money; and, by its financial consequences, deprived the Greek government of the countenance of Russia. To induce the king of

Bavaria to allow his son to mount the Greek throne, Britain, France, and Russia had found it necessary to guarantee a loan of sixty millions of francs (2,400,000*l.*), to be raised for the service of the new state. The money was to be advanced in three equal instalments; two of them had been already paid, and the third was now demanded. Greece, on the other hand, had bound itself to apply the first proceeds of her revenues towards payment of the interest on this loan, and the creation of the sinking fund by which it was to be extinguished. The Greek government had not fulfilled this condition; its revenues, such as they were, had been spent on what it considered more pressing and immediate wants; every year had presented a deficiency; and the military expenditure incurred in putting down the freebooters who infested the frontier had rendered it more improbable than ever to make any payment to account of the debt. Russia, therefore, refused her consent to the third instalment being advanced, except in so far as it might be required to meet the dividends on those portions of the loan which had been already paid up. It was admitted, on all hands, that, without money, the government could not go on. King Otho, who had followed his father to Germany in search of a wife, and was married, in November, to the princess of Oldenburg, had refused, it was alleged, to return, unless money was procured; and Russia was accused of acting with a deliberate design to forward her own purposes, and increase her own influence, in Greece, by involving its government in embarrassments which might lead to confusion. Great Britain took the

burden upon herself: an act of parliament was passed authorising the government to guarantee the remaining part of the loan without the concurrence of either France or Russia.

With the exception of the disturbances on the frontiers, the country seemed to enjoy a considerable share of internal tranquillity—although the very discordant representations of different parties rendered it difficult to ascertain how matters really stood. The pictures drawn by those who formed the foreign dynasty and government, exhibited only scenes of prosperity. The people were contented; taxes were cheerfully paid; agriculture was improving; building speculations were becoming popular; mail coaches were running; theatres were rising; and tranquillity and security every where prevailed. The opposition, on the other hand, adverse at bottom to the Bavarian dynasty, used very different colours. According to them, the people of Greece were utterly discontented because they were slighted and oppressed, deprived of the benefits of a free constitution, and handed over to the ambition and rapacity of foreigners: there was not a province in which either life or property was safe; not a week passed which did not exhibit acts of plunder perpetrated with impunity by roving armed bands in the interior of the country; and the inhabitants of the Peloponnesus had been allowed to carry arms for their own defence, because the government was unable to protect them. The newspaper called the *Soter*, which was the organ of the opposition, and had been prosecuted in the preceding year on account of its political delinquencies, was

again brought before the tribunals for indulging in delineations of this nature. The inferior court sentenced the editor to a year's imprisonment, and a fine of 2,000 drachmae. He appealed to the Areopagus, or Supreme Court of Cassation, which reversed the judgment. Various other journals of the same colour immediately sprung up, to preach the necessity of Greece being blessed with a constitution, and delivered from the presence of all foreigners.

TURKEY, in her internal relations, was still disturbed by revolts in the western European provinces. The Albanian insurrection of the preceding year had been crushed by force, and policy was now employed to prevent its restoration, by bringing within the power of the Porte the leading men of the province who had wavered, or were suspected of being inclined to waver in their fidelity to the Turkish government. Intrigue and dissimulation enabled the Roumely Valessy to make himself master of the persons of the Pachas of Dibra, Elbassan, Ippeck, and Tyrana, and of the Beys of Cavaya and Berat. They were sent to Constantinople, where, although watched in reality as prisoners, they were ostensibly left at liberty, and treated with great apparent confidence, in order that the suspicions of their colleagues might be lulled asleep. Among the latter was Mahmoud, Pacha of Prisrend, whom the Porte regarded among its most formidable enemies. After many abortive attempts to over-reach this wily mountaineer, the Roumely Valessy succeeded in sowing dissension among his principal followers by bribing the Pacha's brother,

Bey, with the Pachalick itself. The Bey succeeded in seizing the government, but he did not seem more inclined than his predecessor to trust himself to the good faith of the Turkish authorities. Splendid presents and decorations, and promises still more magnificent, were successively employed to gratify his vanity and mislead him by his hopes. The Roumely Valessy, pretending that it was necessary for him to lead his army into Bosnia, to put down an insurrection which had broken out in that province, communicated to the new Pacha of Prisrend his wish that, during his absence, the whole of Northern Albania should be placed under the superintendence of a governor so active and zealous, and his desire that he should repair to his head quarters to receive the necessary instructions. The Pacha's ambition swallowed the gilded bait, and on his arrival at the Turkish camp, he was immediately put under arrest. The brother, who, by his defection, had been left without the means of defence, was then compelled to surrender himself and the castle of Prisrend, to which he had retired and forthwith both the brothers were sent prisoners to Constantinople.

The example of Albania did not prevent Ali Fidaah Pacha from trying, in the adjacent Bosnia, the game of revolt. During the summer and autumn, before the vizier of the province could bring together a body of troops sufficient to oppose him successfully, this rebel chief had made considerable progress in the northern districts of Bosnia, along the right bank of the river of the same name. At last, the Vizier, having drawn together seven or

eight hundred regular troops, supported by a large body of Albanians, surprised the insurgents who, to the number of six thousand men, had allowed themselves to be drawn into a dangerous defile. They were defeated after a slight resistance. Their leader, with the remains of his army, endeavoured to make good his ground near Schebze, but the Albanians drove him from his position, and compelled him to retreat precipitately into the town which the sultan's troops entered nearly at the same moment. A sanguinary engagement in the streets ended in the burning of the town, and the expulsion of the insurgents. The latter retreated to Bielina, near the mouth of the Drina. The Vizier followed them and invested the place. After a bombardment, which reduced great part of the town to ashes, the insurgent chief was compelled to surrender, upon a promise that his life would be spared.

In Kurdistan, likewise, the events of the war were favourable to the Porte. Redschid Pacha, moving from Diarbekir down the left bank of the Tigris, made himself master of several of the strong places of the Kurds, some of them after an obstinate resistance, and inflicted a severe defeat on their main army near Altun Kupri, which likewise fell into his hands as a consequence of the victory.

Constantinople itself was not free from dissatisfaction, excited by what all true Musselmen deemed a glaring violation of their religious creed on the part of the Sultan. To prevent the return of the faithful to idolatry, the Koran had severely prescribed all representations of animated beings. This precept had continued so firmly fixed in the principles and practice

of all true believers, as to inspire them with an unconquerable aversion to images, and effectually prevent the formation of a Turkish school of portrait-painters. The present Sultan, amid the other changes which he had introduced in the plenitude of his power, now set this religious dogma at defiance. He had already adorned his palace with paintings and engravings: to these ornaments he now added portraits of himself, and presented them to his grantees as the highest token of royal favour which he could bestow. The Turkish courtiers, however sincere they might be in their religion, were not inclined to seek the honours of martyrdom, by rejecting the impious boon of their heretical prince, and private donations did not excite public notice. But the Sultan, encouraged by the success of this small beginning, soon ventured forth into greater publicity. He presented his portrait to the army and navy, commanding that it should be publicly exhibited, and treated with the same ceremonious honours with which the person of the monarch himself would have been received. It was likewise installed with much pomp and solemnity in the great barracks of the capital. The open irreligion of the pageantry, and the affected frequency of its repetition, produced strong symptoms of public indignation; and the Sultan on the other hand, instead of abandoning his heresy, proved the soundness of his faith, and the purity of his practice, by the summary proceedings of his police against all who ventured to entertain doubts regarding either the one or the other. Crowds of persons were banished from the city for words or looks which

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seemed to express dislike of the idolatrous innovation, while others, who had given utterance to their disapprobation, more openly atoned for their imprudence in the waves of the Bosphorus. The Sultan, in the mean time, lost no opportunity of ingratiating himself with the army by royal largesses; and it is by no means improbable that supposed hostility to his violation of the Koran, was made a politic pretext for taking precautions against persons who were disliked or distrusted for very different reasons.

To the Sublime Porte, its foreign relations were a source of still more troublesome embarrassment. On the one hand, the pressure of Russia, jealous of her predominating influence, and, on the other, the efforts of Britain and France to counteract the exclusive character which that influence was assuming, imposed on the Divan the necessity of giving satisfaction, so far as it could, to all the competitors for favour. In the month of May, an English merchant of Constantinople, of the name of Churchill, while shooting in the neighbourhood of Scutari, accidentally wounded a Turkish boy whom he had not observed in the direction in which he fired. He was dragged to the guard-house of Scutari, where the officer on duty, without any inquiry into the manner in which the occurrence had happened, ordered him to be severely bastinadoed, and after this punishment had been inflicted, sent him to the governor of Scutari. The governor declined to interfere, because the case, as it regarded a British subject, was one to be considered by the law itself. He made him be conveyed

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to the office of the Reis Effendi, or foreign minister, where he was thrown into prison. Mr. Churchill immediately addressed a letter to the British consul, acquainting him with the accident that had occurred and the brutal manner in which he had been used by the Turkish soldiers, and claiming, as a British subject, his interference in his behalf. The consul sent a dragoman to the Porte to reclaim his countryman, promising to keep him in custody till the accusation brought against him had been inquired into; but this application was peremptorily rejected. The matter having then been communicated to Lord Ponsonby, the British ambassador, his lordship's interpreter had an interview with the Reis Effendi, who promised that the prisoner should immediately be delivered over to his own authorities; but instead of this promise being observed, Mr. Churchill was thrown into the Bagnio, and fettered in iron chains among culprits, by virtue of an order which the Sultan had granted, after perusing the report of the case submitted to his consideration by the minister of foreign affairs. The British interpreter waited again on the Reis Effendi, and expressed to him the painful surprise Lord Ponsonby had experienced on witnessing so direct and intentional an infringement of the treaties existing between the King of England and the Sultan, and committed, too, by the very individual appointed by the Porte to preside over their strict and scrupulous observance. The Reis Effendi desired one of his officers to proceed with the English interpreter to the Bagnio, and cause the detained merchant to be given up. This officer

presented himself before the governor of the Bagnio, and acquainted him with the Reis Effendi's wishes; but the governor refused to comply with the request, pretending, that since the prisoner had been placed in the Bagnio in virtue of a firman, he could not release him without a written order from the Porte. As this order was not forthcoming, Lord Ponsonby addressed an official note to the Porte, stating, that as the minister of foreign affairs had violated one of the most important stipulations of the treaties existing between Great Britain and Turkey, he was obliged to declare to the government, that he would not any longer hold official communication with his excellency, and to submit to the sublime Porte, and emphatically to the Sultan himself, his just complaint against a minister who had dared to violate the laws of his own sovereign, and insult the British nation.

This step procured the liberation of Mr. Churchill; but Lord Ponsonby very properly refused to consider this alone as any reparation of the breach of the treaties securing to British subjects the right of being tried and punished, if they committed offences, only through the agency of their own official representatives; a breach of treaty which might be repeated daily, if it was to lead to no other consequence. His lordship insisted that the Reis Effendi, who was the head and front of the offending, should be dismissed from his office; and he insisted upon this the more strenuously on account of the predominating influence of Russia; for no doubt could be entertained, that if the injured party had been a Russian subject, the

Turkish government would have hastened to make humble apologies, and would have consented to give any satisfaction which the offended dignity of the Czar might have required. The Porte endeavoured to mitigate the demand by negotiation; expressed great regret at the misunderstanding which had taken place; offered to punish the inferior officers, and to dismiss the Cadi of Scutari; but represented that it was inconsistent with the dignity of the Sublime Porte, to dismiss a minister of state at the request of an ambassador. On the other hand, the ambassador maintained that the offence of the foreign minister was much graver than that of the inferior officers. They might have erred in ignorance, but the Reis Effendi had sinned wilfully. It was he who, in the face of treaties which it was the very duty of his office to execute, had confirmed and approved of the conduct of his subordinates, had sent Mr. Churchill to prison, and loaded him with irons, instead of instantly repairing the maltreatment to which he had previously been subjected. It was useless to dismiss cadis and guard-house officers for inflicting the bastinado on British subjects, if the foreign minister might with impunity throw them into dungeons and fetters. He refused, therefore, to accept of any satisfaction which did not include the dismissal of that minister; and as the Porte seemed to think it below its dignity to grant such a request when made merely by an ambassador, he would refer the matter to his government at home. The British merchants, resident at Constantinople, likewise transmitted an address to viscount Palmerston, representing the necessity of sup-

porting the ambassador in the demand which he had made. "We will concede," said they, "that the first outrage was committed by subordinate local authorities, whose acts might admit of excuse or explanation, but the subsequent imprisonment was deliberately ordered by a high public functionary, the official depository, in fact, of the treaties existing between the two countries, one who could not be ignorant of the privileges they guaranteed, and who was not ignorant that in the instance in question he was grossly and intentionally violating them. Considering, therefore, that the present is not the only instance, although the most flagrant one, of personal violence offered to British subjects, we cannot but see in their repeated occurrence, more especially of late, an intentional infraction of the treaties, and indeed the existence of some fixed design on the part of the Turkish government to assume to itself a power of control in such matters, which it would be dangerous ever to concede."

Before, however, the determination of the British cabinet could arrive, the divan of Constantinople had resolved to yield. The concession was ascribed to the representations of Pertoff Pasha, the minister of the interior, who was said to have always been a suspicious observer of the designs and progress of Russia, and to have resisted the allurements of her gold. He pressed upon the sultan, that as the question at issue between the Porte and the British embassy had been referred to the decision of the court of St. James's, the English cabinet undoubtedly would countenance its representative. Out of respect for its own dignity, it could not do less than insist on the dismissal of

the Turkish minister, who, by directly violating the treaties existing between the Porte and England, had induced an application for satisfaction. It had thus become imperative to devise a course of policy calculated to save the dignity of the Porte from the humiliation of yielding to the angry demand of a foreign power, and at the same time to preserve the empire from the serious consequences which might arise from a refusal to grant the satisfaction claimed by England. The Porte could avoid so embarrassing a dilemma only by the Sultan dismissing the Reis Effendi, under some specious pretext, before the question was agitated in London. This would remove the importance of the question; and no chance would remain of sacrificing the goodwill of a power, which it, above all, imported the interests of Turkey to preserve. The sultan yielded to these considerations. The Reis Effendi was dismissed, with a monthly pension of 10,000 piastres, on the pretence that bad health disabled him from attending regularly to the duties of his office.

But, according to the public accounts transmitted from Constantinople, this impression was soon effaced, the firmness of the ambassador was neutralised, and the influence of the Turkish minister of the interior endangered, by the cabinet at home viewing the matter in a less serious light. Ignorant that the demand of lord Ponsonby had already been conceded, they were said to have treated it as one on which it was not necessary absolutely to insist. The dispatches of the Turkish envoy in London, subsequent to the dismissal of the Reis Effendi, assured the divan of the readiness of the

British ministry to settle the controversy on conditions much milder than those which lord Ponsonby had stated to be the only terms which his majesty's government could consider proper reparation for the insult offered to its dignity. Placed in possession of these statements, the correctness of which was further corroborated by the Russian representative in London, M. Boutenieff, Russia's ambassador at the Porte, addressed a note to the divan, to be communicated to his highness. He there affected to deplore the precipitation which had led the sultan to deprive his government of the assistance of so valuable a servant as the late Reis Effendi. The emperor of Russia, moreover, would feel deep regret, if the sultan continued to place the same confidence which he had hitherto done in the minister of the interior, whom M. Boutenieff represented as having availed himself of this opportunity to gratify his private animosity against a colleague, even at the expense of prostituting the dignity of his sovereign in the face of Europe, and sacrificing the interests of his country to his personal resentment. In answer to this note, the Porte assured the Russian government, that the dismissal of the Reis Effendi could not be considered in the light of a satisfaction offered to England, no official communication of its being intended as such having been made to the British embassy. Far from entertaining the intention of making concessions of so important a nature on the demand of lord Ponsonby, his applications had met with a flat refusal; and, although Mushir Ahmet Pacha also was one of the persons on whose dismissal the British ambassador assured the Porte his cabinet would

insist, yet not only had he remained in office, but the sultan had since this occurrence honoured him with new dignities and fresh marks of his esteem. The unfortunate minister of the interior, too, it was said, was ordered from the presence of the sultan, after being reviled in terms of the strongest indignation for advice which, at the time it was given, certainly was that of a prudent politician. The health of the ex-minister was suddenly restored; and the credit of the British ambassador, whose successful firmness was neutralised, if not disowned, by his government, suffered a reflux. Such, at least, were the circumstances in which the British residents at Constantinople believed, and the impressions under which they lived; and as the arrival of the despatches from the government at home was followed by the ambassador sending off a courier to London on the following day, this seemed to imply that the instructions which had reached him were not suitable, in his opinion, to the state into which he had now brought the subject of the dispute.

Russia was much more exacting in everything which regarded the maintenance of her influence. Her envoy lost no opportunity of impressing on the sultan, that when the Egyptian army, having overrun Syria, was about to pour itself over Asia Minor to the capital of the empire, he had been abandoned by Britain and France, and had found safety only in the power and friendship of Russia. Gratitude, therefore, no less than interest, required that Turkey should identify herself with Russia, while the other powers, by protesting against the treaty of

Hoonkiar Skelessi, had manifested equally their disregard of the safety of the Porte, and their hostility to its best and only friend. In proportion as the sultan should form intimate relations of amity with Britain or France, he would loosen the bonds that should bind him to Russia, and encourage interests which might compel the latter to attend to her own. On such grounds the cabinet of St. Petersburg interfered in everything which regarded the foreign policy of the Divan; and the Porte was in no condition either to refuse demands, or resent language, which were equally injurious to its pride and independence. Russia even reproached the Turkish government for seeking to stand well with the English cabinet, when the policy of the latter was directed to sever the alliance between Constantinople and St. Petersburg—for having authorised the British government to establish a communication with India by the Euphrates—and for having addressed to the pacha of Egypt, in defiance of the warnings of Russia, a firman commanding him to lend his assistance to the enterprise. The pacha might refuse to obey this order; and if his refusal should expose him to hostilities on the part of Britain, Russia could not remain a passive spectator, and might find it impossible to maintain any longer her present friendly relations with Turkey.

No measure could manifest more decidedly the necessity under which the Porte found itself of submitting to this scarcely concealed dictation, than its having been compelled, in the earlier part of the present year, to address a

firman to the Armenian patriarch of Constantinople, ordering him, and all the clergy of the same persuasion throughout the empire, to recognise, as chief of their church, the patriarch of Eschmiadzin, a Russian ecclesiastical dignitary, and to refer every question on spiritual matters to his decision. The Armenian clergy, as well as the most influential men of that nation, in vain pointed out to the Turkish government the alarming political consequences which might ensue from bestowing spiritual supremacy on a prelate who was the subject to a foreign power. The Porte could not be blind to these consequences, and still less could it be insensible to the wound thus given to its dignity; but it was impotent for resistance. The advantages secured to Russia were evident. A large Armenian population was disseminated in the provinces of Asia Minor, bordering upon her own frontiers; they were sunk in superstition, and, therefore, the influence of their clergy was omnipotent. The priests, taught by this new ordinance to obey the decisions of a Russian patriarch, would soon learn themselves, and teach their flocks, to look up to Russia for protection, and to consider her as the future deliverer of their church from the yoke of Mussulman bondage. An ecclesiastical connexion was the first and greatest step towards civil and political amalgamation, when it should be found convenient to push still farther southward the boundaries of the Russian empire. The czar had as yet been unable to suppress all the resistance of the native tribes in his late acquisitions in Circassia. The sultan, in a thoughtless moment

of generosity, had presented a Circassian prince, resident in Constantinople, with a gold snuff-box, as a mark of respect to his rank. The Russian envoy reproached his highness for thus favouring a person whose sentiments were unfavourable to Russia, and who, he said, was a friend of England, encouraging his countrymen to dislike and resist the subjection of their country to Russia. He demanded that the prince should instantly be exiled from Constantinople, and he compelled obedience by the threat of demanding his passport in the case of a refusal.

By the treaty of Adrianople, which terminated, in September, 1829, the last war between Russia and Turkey, the Porte had bound itself to pay a large indemnity, and, until the whole of it should be discharged, Russia was to remain in possession of the strong fortress of Silistria, on the right bank of the Danube, thus keeping in her hands an open gate through which she could at any time pour her armies into the Turkish provinces. Part of the money had been paid; but although, by subsequent conventions in 1830 and 1834, Russia had given considerable deductions, the expenses and the misfortunes of the contest with the pacha of Egypt had retarded the liquidation, so that a balance still remained unpaid amounting to 170,000,000 of Turkish piastres, about 1,700,000*l*. The porte was anxious to regain the fortress by hastening the payment; and Russia, though she could feel no desire to abandon so valuable a position, was desirous to obtain the gold. By a convention concluded at Constantinople on the

27th of March, it was agreed, that, in consideration of Turkey undertaking to pay 80,000,000 of piastres, less than half of the balance, on the 27th of August, Russia would give up the remaining 90,000,000, and that on payment being made of this compounded sum, Silistria would be evacuated by the Russians. The stipulated sum having been paid at the appointed time, the fortress was occupied in September by Turkish troops.

## CHAP. XV.

UNITED STATES.—*Termination of the dispute with France—Disposal of surplus money in the Treasury—United States Bank—Increase of Banking Establishments—Evasion of the prohibitions against Small Notes—Land Speculations—Consequences—Government demands Specie in all purchases of lands—Slavery—Election of President—Election proceedings in Maryland.*—MEXICO.—*Revolt of Texas—Encouraged and aided by the Americans—Unsuccessful expedition against Tampico—Success of the Texians by land—Remonstrances of Mexico to the United States—Santa Anna marches against the Texians—Is defeated and taken prisoner—Insurrection of the Federalists suppressed—Measures of the Mexican Government—and of the Government of Texas.*—PERU.—*Defeat and death of the Usurping President—Division of Peru into two independent States.*—VENEZUELA.—*Insurrection suppressed.*—NEW GRANADA.—*Congress refuses to ratify the Convention for the apportionment of the Colombian Debt—Measures adopted in regard to that debt.*—CHILL.—*Finance—Attempted Invasion from Peru.*—BRAZIL.—*Recovery of Para—Insurrection in Rio Grande.*—MONTE VIDEO.—*Insurrection.*

**I**N our notice of the affairs of France, we have stated the manner in which the dispute between that power and America was brought to a conclusion. The offer of mediation on the part of the British government was readily accepted by the United States, under a protest against the right of France, or any foreign power, to demand explanations respecting the language which a president might use in his message. In the legislature, again, Mr. Clay, in moving that the message announcing the offer and acceptance of the mediation, and the accompanying documents, should be printed, congratulated Congress

on the part which the senate had taken in this affair, by repudiating the warlike views of the president, and insisted on the inconsistencies and inconveniences which must follow the principle laid down by the government, of regarding the message to Congress as a purely domestic document, which would clearly confer upon other powers the right to use insulting and menacing language towards America, without leaving her the privilege of calling for explanations. From the naval preparations which France, in the meantime, had been making, as if for war, and the want of effective preparation which existed on the part of the

United States, the president took occasion to enforce upon Congress the necessity of making such provisions, that in future the country might not be destitute of ample means to repel aggression, however unexpectedly it might come upon them. In the case of hostilities commencing during the recess of Congress, the interval, which must necessarily elapse before that body could be called together, even under the most favourable circumstances, would be pregnant with danger. The present was a time, likewise, at which these measures could be adopted without adding to the public burdens, as there was a large surplus of revenue in the treasury.

The disposal of this large surplus of money occasioned a strong party contest in Congress. It was applicable to no specific purpose; General Jackson having succeeded in destroying the United States bank, as a bank of the Union, the money was deposited in different state banks, selected by the secretary of the treasury. These banks paid no interest for it, while they themselves used it in loans and discounts, knowing that it could not be required by government, till specific appropriations had been proposed, discussed, and carried in Congress. Both parties wished that the money should be used, but in very different ways, and for very different reasons. The administration and its supporters strained every nerve to have the surplus expended for military purposes, both because the president had announced farther means of defence to be necessary, and because, under such an application, it would still have to pass through their own hands. The opposition

to remain where it was, because they believed that it was used through the medium of the state banks, and sometimes corruptly, for political and electioneering purposes, but they were untiring in their efforts to prevent its appropriation to military objects. At length the opposition introduced a bill to distribute the money among the different states in the proportions in which they had contributed to it. This measure produced stormy debates, and occasioned great agitation, and some anger, in the ranks of administration; more particularly as it seemed merely to be a declaration of jealousy of the government, because it was not an appropriation of the money to any particular purpose, but only the removal of it from the possession of the general government to that of the governments of the individual states. The opposition, however, triumphed, and the bill passed into a law, although the ministry had generally a majority of about thirty in the House of Representatives. In the Senate it passed by forty votes against six.

Although political jealousy and animosity probably lay at the bottom of president Jackson's hostility to the United States bank, the ostensible reason held out was, a wish to secure a currency in specie, and check the diffusion of mere paper credit. For the same purpose, several of the states had prohibited the circulation of small notes, and Congress now prohibited their being taken in payment on public account. But instead of these results being obtained, banking, and paper credit, and all the wild speculations which for a time can be suspended on its flimsy wings, increased to an extent which America had never known,

and threatened consequences which few European countries had ever felt. The United States bank obtained a charter from the state of Pennsylvania, to which it paid a bonus of two millions of dollars. It was thus placed beyond the reach of the president's majority in Congress. Its solidity had not been questioned; it was not denied that its affairs had been conducted with great ability; but the government set every engine at work to thwart and oppose it in the different states. The first measure of aggression was adopted in the states of New York and Ohio, in the respective legislatures of which a motion was made, to prohibit the circulation of all bills and notes of the United States bank within their territory. This threat was rendered nugatory, by the legislature of Pennsylvania immediately introducing a resolution to prohibit the establishment within that State "of any branch, office of agency, and the introduction, passage, or circulation of the bills, notes, checks, draughts, or orders of any bank of any state which has or may hereafter prohibit within such state the establishment of any branch office or agency of any bank" of the state of Pennsylvania.

Amidst all this opposition to the United States Bank, the mania of establishing new banks with nominal capital, and increasing nominally the capital of banks already existing, that is, increasing almost indefinitely the quantity of paper money which represented no solid capital, was spreading, like wildfire from one end of the Union to the other. Virginia, the supposed banking capital of which amounted to nearly seven millions of dollars, increased it to nearly thirteen millions, by adding to the

capitals of the existing banks, and creating four new ones. Louisiana incorporated twelve millions of additional stock, and its whole banking capital was stated to amount to seventy-two millions of dollars. Indiana created an internal improvement stock, as it was called, of ten millions of dollars. Massachusetts, Alabama, Maine, and other states, entered on the same course; and Pennsylvania, by granting the charter to the United States bank, had incorporated thirty-five millions of capital. It was precisely in New York, which had wished to set itself against the last named of these establishments, that the madness seemed to be wildest. On the 4th, 5th, and 6th of May, the legislature of that state created or increased banking stock to the amount of about six millions of dollars.\* At the same

\* The following was given as the list of these creations:—

	Dollars.
Atlantic Bank, Brooklyn ..	500,000
Clinton County Bank, at Plattsburg .. ..	200,000
Portage Bank, at Westfield ..	400,000
Kingston Bank, at Kingston ..	200,000
Bank of the State of New York, in New York city ..	2,000,000
Genesee Valley Bank, at Mount Morris .. ..	200,000
Wool-Grower's Bank, at Norwich .. ..	200,000
Ransselaer County Bank, Lansingburgh .. ..	200,000
Increase of Jefferson County Bank .. ..	120,000
Bank of Attica .. ..	200,000
Increase Albany City Bank ..	200,000
Coxsackie Bank .. ..	150,000
Increase Madison County Bank .. ..	100,000
Bank of Oswego .. ..	200,000
Watervliet Bank .. ..	150,000
Increase Dutchess County Bank .. ..	300,000
Atlantic Bank, Brooklyn ..	500,000
Ransselaer Bank, Troy ..	300,000
<b>Total ..</b>	<b>5,500,000</b>

time, the prohibitions against issuing small notes were either openly set at defiance, or fraudulently eluded. The general assembly of Ohio, which had enacted a prohibition of this kind for all banks subsequently chartered, directed the auditor of the state to ascertain how many of the banks, chartered before the introduction of the law, were willing to surrender the right of issuing notes of a smaller denomination than five dollars. By his report it appeared that most of the banks had declined complying with the proposal, on the ground that this could not be done without the consent of the stockholders generally. It appeared from the same report that many of the banks, not only in Ohio but in the eastern states, were engaged in evading or violating the law forbidding the issuing of small notes. Their practice was, to send the small notes of the western banks to be circulated in the east, and receive in return the prohibited notes of the eastern banks, to be issued in the west. This was done for the purpose of avoiding the penalties to which the banks were subjected for issuing notes of these small denominations. Of the power of the government to enforce the penalties some doubt was entertained; for some of the banks were acquiring such influence as almost to threaten defiance to the laws.

This abundance of fancied riches created and nourished all manner of wild speculations, and more especially in the purchase of unappropriated land. Formerly, in the western wildernesses, the lands in the neighbourhood of a new settlement used to remain unoccupied, till a new settler arrived to establish himself in the country,

or the former settlers had become rich enough to add these lands to their possessions. But now speculators, with bank notes in their pockets, were swarming over the country, taking up vacant lands wherever they could be found. The land speculations near to the coast were on a still larger scale. "If any one," said an eye-witness, "should make a map of the lands lying within a distance of thirty or forty miles from New York, and embrace in it all the improvements projected or actually existing, the spectator, who does not know the true condition of the country, would be astonished at the appearance of the dense population which it would present. Cities, towns, and villages would be represented as scattered round him at every step. The intermediate slips of unoccupied ground would hardly seem large enough even to furnish pasture for the stray cattle of the surrounding towns, much less to supply their inhabitants with all the necessary products of agricultural consumption. We hear no more of a farm being sold, as a farm, in the neighbourhood of the city. The land is all divided into lots of 100 feet by 25; and it would seem as if, in the visions of speculators, a dense city must soon extend from the Atlantic Ocean to the Lakes, and from the Hudson River to the borders of Connecticut. No scheme seems too vast to stagger the credulity of the people. The most impracticable plans are received as easy of execution, and the most stupendous projects are entered upon with undoubting confidence. No one seems to anticipate that there must come a time, when the fabric, which speculation is building up, must fall on the

heads of the projectors and overwhelm them. A moral infatuation has seized upon the minds of the community. The speculators meantime, in imagination, are all getting rich. One buys the refusal of a piece of land for more than it is worth. Before the time of payment has arrived he sells it to another at a large advance; the second sells it to a third; the third to a fourth; and in this way it passes through perhaps a dozen hands, before the first instalment of the original price has been paid." This feverish thirst for riches, and this feverish dream of actually possessing them, was the result of the vast and sudden increase which had taken place in the paper money circulation of the country. To carry on speculations, which were supposed to hold out almost unbounded expectations of profit, it was quite immaterial what rate of interest was paid for the money employed in them: two per cent. monthly, on what was considered undeniable security, was currently paid. Hence, too, arose great eagerness to borrow money in Europe, and much indifference to the terms on which it was to be granted, for the use of the American speculators, to whom the old-fashioned rate of four or five per cent. per annum in sober and well-regulated communities appeared absurd and contemptible. Such a market, likewise, being presented to European capitalists, produced a large abstraction of capital from this country and a want of sufficient power on the part of the Bank of England to arrest the movement across the Atlantic.

In the message, which the president addressed to congress at the end of the year, he drew a picture

of the very same kind. "The effect," said he, of "an extension of bank credits and over-issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived, that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for, no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil." The government endeavoured to check the evil by issuing a treasury, circular which prohibited the receiving payment

of lands in any currency but specie, and allowed no sales to be made except to actual settlers.

The question of the abolition of slavery did not receive, during the present year, any new illustration from "Lynch Law," except that, in one of the Southern States, a reward was publicly offered for the apprehension of a particular individual, as being "a notorious abolitionist." The question, as it regarded the Union, was one which congress had no power to entertain. Congress could decide upon it only in so far as related to the district of Columbia, a space of ten miles square, which the constitution had placed absolutely under the control of the national legislature. Petitions were presented for the abolition of slavery within this district; but they were rejected almost unanimously, both by the house of representatives and by the senate. The Southern members even denied the power of congress to put an end to slavery in the district in question, and declared, that if this power were asserted, they would resign their seats, and return to their constituents. The other members were generally of opinion that, whatever the powers of congress might be, it would be inexpedient to exercise them. The legislature of Tennessee passed an act which provided that any person preparing, with a view of circulating, or publishing, any paper, painting, or drawing calculated to create disaffection among the coloured population, should be deemed guilty of felony, and confined in the penitentiary for not less than five years. The representatives of the state of Arkansas, assembled in convention, enacted a new state constitution. By one of the provisions the legislature was

denied the power of passing laws for the emancipation of slaves without the consent of the owners, or of preventing emigrants from bringing with them such persons as are deemed slaves by the laws of any one of the United States. It was, however, empowered to permit the owners of slaves to emancipate them.

Congress did not adjourn till the middle of the year; and then followed the excitement of the presidential election, General Jackson's longest constitutional term of service having expired. The ministerial candidate to be his successor was the present vice-president, Mr. Martin Van Buren. Three different candidates were opposed to him, a division which aided his success. He was accordingly elected, although, by the form of the constitution, the result of the ballot is not declared till the commencement of the following year. The party spirit excited by the contest showed, that America is not ignorant of the electioneering expedients which were frequently had recourse to in the Scotch boroughs, to affect the choice of the delegates who elected the member for the district, and which present experience has proved have not disappeared under the pacifying effects of the Municipal Reform Act. By the constitution of Maryland the senate of that state consists of fifteen members. These are elected every fifth year, not directly by the people, but by an electoral college of forty, the members of which are elected by the people every fifth year, for the purpose of choosing fifteen senators (not of their own body) to form the senate of Maryland. The forty electors of the senate were accordingly chosen — twenty-one

by the opposition party, and nineteen by the Radical or Van Buren party. It became the duty of these "electors of Senate" to meet together, and choose fifteen of the most respectable citizens of Maryland, "to form a senate for the ensuing five years." But, instead of doing this the Van Buren minority, refused to meet the majority, and therefore no senate could be elected, the laws of the state requiring that at least twenty-four should be present to form a quorum, and to be able to act as a body. The nineteen then made an offer "to meet in college," provided the majority, viz. the twenty-one, would allow them to nominate eight out of the fifteen senators to be returned — a modest request by a minority of electors to return, not merely one or two, which would have been sufficiently extravagant, but an absolute majority of the persons to be chosen. The proposal was rejected.

In MEXICO, Santa Anna seemed to have succeeded in establishing his own authority, and the central system of government, of which he was the head, when an unexpected rebellion, in a distant corner of the republic, ruined his personal authority, and threatened the destruction of his system. Texas, the most northerly, was likewise one of the most fertile of the Mexican provinces, stretching along the shores of the gulph, and extending to the confines of the territory of New Orleans. In the end of 1835, its inhabitants raised the standard of revolt against the Mexican government, and declared themselves independent. In their declaration they announced that they had taken up arms in defence of their rights and liber-

ties, and the republican principles of the federal constitutions of 1824. These, however, were only ostensible reasons; the real instigators of the rebellion were persons belonging to the United States, and the true object was, the incorporation of this rich country as a member of the American union. The population of Texas consisted in a great degree of emigrants from the United States — their very presidents and generals were Burnets and Houstons; great part of the land was in the hands of American speculators, and both of these factions wished a separation from Mexico, under whatever pretext it might be accomplished. The landholders were universally slave-holders; the Mexican government had abolished the slave trade, and the Texians complained that they were thus injured and oppressed. This again drew to their side all the southern and slave-holding states of the union. The question of slave emancipation had already threatened a separation between the northern and southern states; the latter dreaded that a majority in Congress might be obtained in its favour; but the accession of a new and extensive slave-holding state would send to Congress an additional number of members to maintain the system, which they held to be indispensable to their existence.

The revolted Texians, accordingly, received assistance from their adjoining neighbours of the United States, and expeditions against Mexico were openly fitted out at New Orleans. In November, 1835, general Mejia, a Mexican leader whom Santa Anna had forced into exile, sailing from that harbour, made an attempt on

Tampico, with a force consisting partly of Texians, and partly of Americans. He was unsuccessful, and the authorities of Tampico, as American privateers, issuing from the harbours of New Orleans and Mobile, threatened new alarms, issued orders that no American vessels should be allowed to visit the ports of Tampico or Matamoras. This, again, was used by the Texian Americans to raise an outcry, as if the American flag had been insulted, and the rights of American citizens violated;—for one object of the faction was, to produce a war, if possible, between Mexico and the United States, which would have rendered the separation of Texas from the former much more easy, than it promised to be if the Texians were left to accomplish it by their own efforts and resources. The cabinet of Washington acted more prudently or craftily, and would not interfere with the dispute. In the meantime the Texians had been more successful by land. An army was formed principally by resources supplied from New Orleans, where the leaders of the faction openly beat up for recruits. They met with little opposition in their course through the province, for there was no considerable Mexican force to oppose them. On the frontiers, the town of Bexar, on the river San Antonio, was defended by general Coss, with a few hundred men. The Texians attacked the town about the middle of December, and Coss, being too inferior in numbers, was compelled to abandon the territory, and to retreat, after sustaining considerable loss, into the adjoining Mexican provinces. A Mexican armed schooner, commissioned by the government, and lying in the

waters of Texas, was taken and carried off as a capture, by American vessels, not commissioned by any government.

The Mexican government addressed its complaints to that of the United States against these undertakings of its subjects. It was represented to the cabinet of Washington, that Americans who had acquired lands, and had become settlers in Texas, had thereby become Mexican colonists, and would never have dared to violate the laws of the country which they had voluntarily adopted, had it not been for the assurances which had been given them, that they would receive prompt and efficient succours. These succours were furnished by American speculators. Even before the Texians had commenced their revolt, they had received from their friends at New Orleans all the materials necessary to prepare and kindle the flame. Since the rebellion broke out, they were daily obtaining from New Orleans assistance of all kinds, munitions, arms, money, and men, who openly enlisted in that city to attack a neighbouring and friendly state. Even public assemblies had been organised at New Orleans, who interfered in the affairs of Texas, assumed a sort of directorial power in its affairs, and laboured to make that an American question, which was in fact a mere speculation of a multifarious band of adventurers. These representations produced no effect. It might have been dangerous for the government of the United States to oppose itself to a movement which was principally in the south; and perhaps it was not averse that a valuable acquisition should be made, without appearing to take any part in the

measures by which it might be obtained.

Santa Anna, in the mean while, had been collecting an army to reconquer the province by force. In the beginning of the year he marched from Santillo. He retook Bexar, and advanced into the province, which he was accused by the Texians of treating not merely with severity but barbarity. It was the middle of April before he approached the enemy, which, under the command of general Houston, prepared to receive him on the banks of the San Jacinto, which, however, he succeeded in crossing. On the 19th, some skirmishing took place between the two armies, and Santa Anna fortified himself in a camp on the bank of the river. In that position he was attacked by the Texians on the 21st of April. Their cavalry charged and routed the Mexicans' cavalry, who seemed never to have rallied. The breast-work, too was carried, and, in a few minutes, the Mexican encampment was in the hands of the enemy, and the Mexican army completely routed. According to the Texian accounts, the Mexicans had 630 men killed, 208 wounded, and 730 made prisoners; but the same accounts stated the total amount of Santa Anna's army at 1,500 (in itself probably an exaggeration) so that every individual officer and soldier, must have been killed, wounded, or taken. Their own force they stated to have been only 800 men, and their loss only six killed and twenty-six wounded. Among the prisoners, however, was Santa Anna himself, general Coss, and forty of their officers. The president was taken the day after the battle, endeavouring to escape through the

woods, disguised as a mean person.

The intelligence of this event produced great consternation in Mexico. Not only had a deep wound been inflicted on the national honour, and that, too, by revolted subjects of the Republic itself, but the disaster which had befallen Santa Anna seemed likely to revive the party which he had put down, and expose the interior to ruinous commotion. The Federalists, accordingly, lost no time in trying to take advantage of the emergency, in order to abolish the existing state of things, and declare their own predominance. They rose in arms at Cajaca under the command of a colonel Acevedo. A body of government troops immediately marched against them; a battle ensued, in which the Federalists were completely routed with considerable loss, and their principal leaders fell into the hands of the enemy. On the following day, colonel Acevedo and some of his officers were tried by a court-martial, and shot.

The Congress, which was in session when the intelligence was received of the loss of the battle of San Jacinto, adopted the measures which seemed necessary to meet the emergency, in so far as the disturbed state of the country and its provincial distresses, allowed that to be done. Santa Anna, on the very day that he was taken, and when a prisoner in the enemy's possession, had sent orders to the commanders of other bodies of troops to stop, or to retreat, and had even concluded an armistice with general Houston, which was afterwards followed up by a more regular treaty. These orders to his generals, were dated from the enemy's camp, were headed "God

and Liberty"—"Coast Division under my command"—as if the president had still been at the head of his troops, and he commenced them by saying, with great *naïveté*,—"Having yesterday evening had an unfortunate encounter, I have resolved to remain as prisoner of war in the hands of the enemy, after having taken every precaution,"—and then he proceeded to issue his orders. The Congress disowned all his acts, and some of the generals who had obeyed his orders thus issued, or were suspected of having acted with disaffection or cowardice in the course of the campaign, were directed to be brought to trial. A president, *ad interim*, was appointed. A decree was issued for raising a forced loan of two millions of dollars, the certificates of which were to be received, after a year, in payment of taxes. A new army was collected at Matamaras, and Jose Urrea was appointed to the command. It assembled to the number of about 4,000 men, but it was, and continued to be, in such a state of destitution, that it was soon reduced by desertion and disease, to little more than half that number. The local authorities of Matamaras issued a decree, permitting, during the war of Texas, the importation of foreign provisions on payment of certain duties. The duties were to be paid in kind, and immediately forwarded for the use of the army. To meet this measure, the first and provisional president of Texas, a Mr. David Burnet, issued a proclamation, declaring Matamaras to be in a state of blockade, while this said state of Texas had not a plank upon the sea, whatever assistance she might trust to receiving from the irregular interference

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of her friendly neighbours to the east and north.

Mexico being thus impotent in the meantime to assert her lost authority, Texas proceeded undisturbed to exercise its powers of sovereignty. A new Congress was ordered to be chosen, and the electors were specially called on to express their opinion regarding the annexation of the province to the United States, these electors being the very persons who had excited the rebellion for the purpose of being so annexed. Application for this purpose had already been made at Washington, but had as yet been refused. On this point, therefore, the elections were unanimous. The Congress adopted the existing Constitution of the State, and, to raise money, ordered sales of land. They did due honour likewise to general Houston, by electing him president, while his unfortunate antagonist, the imprisoned president of Mexico, still lingered on in his captivity. Various plans were said to have been laid for his escape, but none of them succeeded.

In PERU, during the preceding year, general Salaberry, by a military insurrection, had expelled the president Orbegoso, and placed himself at the head of the government. The expelled president sought and obtained assistance from Santa Cruz, the president of Bolivia. Their united armies encountered that of Salaberry, commanded by general Gamarra, at Yanacocha on the 13th of August, 1835, when Santa Cruz and Orbegoso obtained a complete victory. Salaberry fortified himself in Lima, called out forced levies, threatened to defend the capital to the last extremity, and to give it up to the flames, if the enemy should venture to approach. He changed

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his intention, however, and having collected a body of about 2,500 men, he marched southwards to meet the enemy, and took post on the heights of Challapampo, to the north of Arequipa. Towards the end of January, the united forces of Orbegoso and Santa Cruz, amounting to double his number, advanced to attack him. He had fortified the head of an old bridge, which formed the only communication with the town. It, therefore, became necessary to construct a battery in counter-position, and that work was completed on the 30th of January. On the 3rd of February, general Miller marched from Paguna to occupy Tambo, Isla, and Viter, in order to cut off the enemy's communication with the vessels intended for an expedition against Bolivia, and to prevent the escape of the fugitives after the defeat and rout which was now to be anticipated. General Miller lost no time in executing this movement, and, on entering Isla, he made prisoners a general and several other officers of rank, destined for the expedition to Bolivia. In the mean time the army under Santa Cruz began to ford the river, which induced the enemy to move, on the 4th, in the direction of Isla, where he occupied a naturally strong and well-fortified position. Skirmishes, with equal success on each side, occupied the two following days. At last Santa Cruz finding it impossible to attack the enemy in position, ordered his troops to retrograde, in the expectation of drawing Salaberry into the plain; the stratagem succeeded, as the movement was supposed to be a complete retreat. On the morning of the 7th, the rebel army began to debouche from the pass of Tingo. Santa Cruz quickly

perceived the favourable opportunity, which an army, defiling before him, and exposing its flank, afforded. His attack was prompt and vigorous; and the enemy, thus taken by surprise, was, after an obstinate combat, completely defeated. Very few escaped, except such as dispersed themselves singly through the country. Among the prisoners were 220 officers, including Salaberry. The whole of the artillery, and the standards and baggage, were taken. The loss of Santa Cruz's army was 240 killed, and 188 wounded. The enemy had 600 killed, and 350 wounded. Seven of the enemy's officers, two of whom were generals, were tried along with Salaberry, by a court-martial, condemned, and shot on the 18th of February. The port of Callao, Lima, and all the provinces of Peru, immediately submitted. Salaberry's naval squadron, too, submitted to the restored government, stipulating only for the lives of those who were on board.

It now, however turned out to be somewhat doubtful, whether the president of Bolivia had been altogether a disinterested ally, and whether Orbegoso had not purchased his assistance by secret engagements. At least, it was now discovered that Peru was too large to be governed as one state. An assembly of deputies from the southern departments of Peru was held at Sicuani on the 17th of March, under the protection and guarantee of Bolivia, when the independence of these departments was solemnly declared, and a new state formed, called south Peru, composed of the departments of Arequipa, Ayacucho, Cuzco, and Puno. The chief power was intrusted to general Santa Cruz, as

"Supreme Protector of South Peru." Santa Cruz had thus become chief governor of two independent states. In the month of July a similar assembly of deputies from the northern departments, Junin, Lima, Libertad and Amazonas, was convoked by Orbegoso. They, too, formed themselves into an independent state, under the name of North Peru.

In VENEZUELA, one of the three portions into which Columbia had been split, the party who had risen in arms against the established government had been compelled in the end of 1835, to shut themselves up in Puerto Cabello. An insurgent leader named Carrujo was at their head; a government squadron blockaded the harbour, and general Paez commanded the forces which blockaded the town. On the 2nd of January he seduced the rebel leader to make a sally at the head of part of his troops with flattering prospects of success; but he fell into an ambuscade which Paez had prepared for him; after a severe conflict in which he was dangerously wounded, he was taken prisoner, and carried to Valencia. He was sentenced to death, but died of his wounds before the sentence could be put into execution. This event discouraged his adherents. His successor, Marino, entered into negotiations with the government, which was willing to grant the rebels their lives and property; but the latter demanded much higher terms, which again the government refused. The hopes of the insurgents, however, rapidly dwindled away, their officers began to make their escape, and some of them to make their peace with the government. Their remaining leaders quarrelled among themselves; there was no

prospect of assistance, for their associates in Maracaibo had given up that place to general Montilla on condition that their lives should be spared, and their property restored; and, at last, on the 1st of March, the insurrection was put down by Puerto Cabello surrendering at discretion. The congress issued a decree granting the rebels their lives, but banishing them, for ever, from Venezuela.

No internal commotion disturbed the peace of New GRENADA, but her financial condition occasioned both difficulty to herself and embarrassment to Venezuela, which was bound along with her for the same foreign debt. That foreign debt had been contracted before the separation of Columbia into the now distinct and independent republics of Venezuela, New Grenada, and the Equator. Commissioners appointed by the three executives had succeeded, after much negotiation, in framing a convention for the apportionment of the debt. By that treaty New Granada was to take upon herself fifty per cent., Venezuela twenty-eight and a-half per cent., and the Equator the remaining twenty-one and a-half per cent. At the opening of the session of Congress, in the present year, the government of New Grenada pressed strongly upon the legislative body the necessity of making provision for this debt, and informed them that the British Chargé d'Affaires, by instructions from the British foreign secretary, had been very urgent that justice should be done to the British holders of Columbian bonds, and had complained that no step had yet been taken, although the convention for dividing the debt had been entered into in December, 1834. A bill

was likewise laid before Congress to provide means for meeting that portion of the debt which had been laid upon New Grenada. Instead of proceeding with the bill, Congress entered into a discussion of the convention. They determined that injustice had been done to New Grenada in burthening her with one half of the whole debt, and they farther voted that the executive had acted unconstitutionally in carrying through the negotiation. In consequence of this censure upon their conduct, the secretaries of state immediately resigned. General Santander, the president, then addressed a letter to the chamber of representatives, stating, that although the resolution which they had adopted was contradicted by the opinions which had been expressed by the Senate and preceding Congresses on the same subject, yet as he considered that the resolution threw a stigma on his government, he wished them to exercise the power of inquiring into his conduct which the constitution gave them, or to call upon him to resign his place. Congress did not wish to carry the quarrel so far. The differences with the secretaries of state were adjusted, and they resumed office; but the convention remained unratified. A new bill for regulating the debt of the republic, was introduced into the chamber of representatives. By this measure it was proposed, that New Grenada should become bound for one third of the Columbian debt, without prejudice, however, to being afterwards charged with a larger proportion, if found due on the final repartition. The executive did not approve of some of the clauses of this Bill, and the finance minister was ordered by the president to attend

the debates on the 10th and 18th of May. On these occasions he objected in particular to the proposal of charging the republic specifically with one third, which, notwithstanding the condition of farther contingent liability attached to it, would have an injurious effect on the interests of the bondholders, as the guarantee of that part only of the securities would depreciate the other two-thirds in the market. The chamber yielding to the weight of the ministers' representations, suspended the progress of the bill, and referred it to a select committee. The agents for the bondholders, however pressed upon Congress, and, in strong language, that, pending the discussion which must necessarily ensue with Venezuela, (as it was not proposed to disturb the share of the Equator), there was no reason why the Congress should not at once appropriate certain portions of the revenue to meet the interest, so that while discussions were going forward, money might be accumulating at the same time. Congress accordingly passed a decree which appropriated to the interest of the foreign debt exclusively, one eighth part of the customs import duties throughout the republic, commencing from the 1st of September, 1836; a farther eighth part of the same duties, as soon as the vales receivable in payment thereof should be liquidated, which the minister of finance thought would happen in the following year; one-half of whatever surplus might remain in each year in the treasury, after deducting the expenses of the state; the net produce of the tobacco which might remain for export, reserving one-third thereof for promoting the cultivation. It was likewise

enacted that, "until Congress shall otherwise provide, there shall not be sold any uncultivated lands, except for bonds of the foreign debt." The executive was directed to place the funds thus set apart in the Bank of England, deducting the expense of conveyance and insurance.

The republic of CHILI treated insolvency with much greater indifference. The national Congress passed a decree authorising the government not to appropriate revenues for paying either principal or interest, but to name a commissioner to proceed to London, and negotiate "a compromise" of the loan, which had been raised there for the republic in 1822, and to give to the bondholders, through the commissioner, any guarantees, securities, mortgages, general or special, on the revenues and fiscal duties, which the commissioner, in virtue of his said instructions, may make, and they may accept." The Chilians were more fortunate in repelling an invasion which suddenly came upon them from the north. In the month of July, two vessels of war, the corvette Montegudo, and the brig General Orbegoso, were chartered in the port of Callao from the Peruvian government, by some banished Chilian officers, headed by general Ramon Freire. These vessels had their guns on board, and received a quantity of warlike stores at Callao. The intention of the charterers was to proceed to the island of Juan Fernandez, take off the prisoners and the soldiers appointed to guard them, disembark on the coast of Chili, and commence offensive operations against the government. The Chilian Chargé d'Affaires in Lima heard of this expedition only some days after

the vessels had sailed from Callao. Besides making a proper representation to the Peruvian government, and demanding the punishment of those who had assisted in equipping the vessels, but which representations and demands were met with evasions on the part of the Peruvian authorities, he lost no time in acquainting his own government with the circumstance. On the receipt of the news in Santiago, an embargo was ordered to be laid on all vessels in the port of Valparaiso. The Congress authorised the executive to augment the naval forces of the Republic to two frigates, two corvettes, one brig, and one schooner, allowing of its being further increased if necessary, and gave power to the president to raise a loan of 400,000 dollars on the most favourable terms. The Montegudo was unable to make the island of Juan Fernandez, upon which her course was changed for Chiloe. When in the latitude of Valparaiso, two of the sailors (natives of Chili), assisted by others of the crew, broke into the officers' cabin at night, took them prisoners, and brought the vessel, on the 6th of August, to Valparaiso, where she was delivered over to the authorities. Upon examination of her papers, the object of the expedition was clearly ascertained. The Orbegoso, on board of which was Freire himself, reached Chiloe in safety. He seized two armed Chilian vessels which he found lying there. He then landed on the island, and took the town of San Carlos and its forts. But his force does not appear to have been strong, and his successes were of brief duration. His own colleague, the Montegudo, so soon as she was brought into Valparaiso, was commissioned by the Chilian govern-

ment, and sent against him. On her arrival at Chiloe, she seized the Orbegoso; recaptured the Chilean vessels; retook the town and forts, and made Freire himself a prisoner, with a number of his officers. This unexplained attempt naturally excited much hostile feeling in the Chileans towards their northern neighbours; for it was difficult to suppose that the expedition had been undertaken without the knowledge or connivance of Peru and Bolivia, and it was suspected that ambitious projects were beginning to be formed along the eastern shore of the Pacific.

BRAZIL recovered the town of Para, of which the insurgent Indian population in the previous year, had taken possession, with circumstances of great cruelty and devastation. They at last abandoned it voluntarily, and the imperial troops entered it on the 13th of May. The Custom-house was found empty; almost all the private houses had been abandoned, and in several places the town had been set on fire. When the city fell into the hands of the insurgents, it was said to have contained British property to the amount of 300,000*l.*, of which scarcely a trace remained. Another dangerous sedition broke out, in the early part of the year, at Port Alegre in the province of Rio Grande, and spread so rapidly, that, in a short time, it involved the whole province. For a time the rebels had possession of Port Alegre itself; but a counter revolution left it in the possession of the imperial troops, and drove the insurgents to the open fields. Having recruited their numbers, and obtained some cannon and mortars, they returned to the attack, while they endeavoured to preclude assistance by securing

with vessels chained together, the narrow passage which leads out from the town into the Atlantic, the fort commanding which, moreover, was already in their hands. They made three different attacks upon the entrenchments which they themselves had raised, when they were masters of the place; but on each occasion they were repulsed with considerable loss. The imperialists were superior to them both in numbers and artillery. In his speech at the opening of the Legislative Assembly, on the 3rd of May, the Regent complained that throughout the empire there was a want of due respect for and obedience to the constituted authorities, and he called upon the representatives of the nation to raise up defences capable of resisting the torrent of insubordination.

BUENOS AYRES was tranquil; but the neighbouring state of MONTE VIDEO, or the Banda Oriental, enjoyed the usual South American amusement of a military insurrection for political purposes. General Rivera was an ex-president of the state; general Oribe was a president in possession; therefore general Rivera and his partisans opposed the government of general Oribe and his adherents; and as the former found no other means for making their opposition effectual, they assumed arms, and took to the field. The government of Monte Video deprived Rivera of all his emoluments, and declared him and his partisans to be outlaws. The government of Buenos Ayres likewise prohibited all its subjects from, in any way, giving him assistance, and allowed their general Lavalleja to proceed to the assistance of the neighbouring state. The insurrection broke out in July; for a while, Rivera seem-

ed to be favoured by fortune, and the people in possession began to fortify Monte Video itself. The leaders of the government troops, however, Oribe, brother of the president, and Lavalleja, from Buenos Ayres, seemed to be delaying, till they should be much superior to

Rivera in numbers. Having gained this object, they gave him battle in September. He was totally routed; almost the whole of his force being killed or taken. With the scattered remains he retired farther into the country.

# CHRONICLE.

# CHRONICLE.

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JANUARY.

2. **T**HIS afternoon, about five o'clock, one-half of the suspension bridge, near Wakefield, suddenly gave way with a tremendous crash, in consequence of the breaking of one of the supporting chains. There were upon one part of the bridge a waggon loaded with barley, two carts, and a gig. The three former were precipitated into the water, but were rescued by the exertions of the people who came to assist; the gig and horse, becoming entangled in the chain and broken fragments of the bridge, remained in that situation for some time before any assistance could be afforded. The horse was killed, by some of the broken bars having entered its body, and the driver was very much bruised.

ESCAPE FROM SUFFOCATION.—A tradesman in Blackman-street, named Caston, carrying on the occupation of a "general dealer," had a narrow escape from suffocation a few days ago, under singular circumstances. Amongst some articles he had purchased at a sale was a diving apparatus, to enable the wearer to remain under water for a considerable time. Never having before seen a machine of a similar construction, Mr. Caston deter-

mined to try it in the first instance on *terra firma*, and for this purpose drew the helmet or cap over his head, and then adjusted that part which fitted the lower extremities. He, however, omitted the most essential part of the apparatus — namely, the valve which admitted the air into that portion which fitted over his head and face. This neglect nearly cost him his life; for when one of his servants entered the warehouse, Mr. Caston was discovered rolling about on the floor, enveloped in the diving apparatus, apparently in great agony. The servant entered just in time to extricate his master.

5. DRURY-LANE THEATRE.—Auber's opera, *Le Cheval de Bronze*, was produced at this theatre. The words were translated from the clever drama which M. Scribe invented to accompany Auber's score. Tsing-sing (Mr. Phillips), a mandarin of the celestial empire, prefers the ease and dignity which he enjoys in the government of a province to the more perilous splendours of the court. The illustrious mandarin has already taken to himself four wives, and at the opening of the play has just concluded a treaty of marriage with a fifth, Peki (Miss Shirreff),

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the young and beautiful daughter of Tchín Kao (Mr. Seguin), a wealthy farmer of the province. She has already bestowed her affections upon Yanko (Mr. Duruset), a simple swain. To object, however, is in vain; and all hope of escaping from the intended marriage seems shut out, when the most influential of all the mandarin's wives, Taojin (Miss H. Cawse), who has the honour of being remotely allied to the royal family of China, discovers that her husband is about to take another wife, and expresses herself in such a manner as to give him the prospect of a very uncomfortable honeymoon. But this is not the worst of Tsing-sing's troubles. Taojin, thinking that his dignity and her own comfort would be greatly promoted by his absence has procured him the high appointment of personal attendant upon Yang, the prince of China (Mr. Templeton), the most important of his duties being never to quit the side of his royal ward. The prince arrives; and then is disclosed the secret of the love of travel which has lately taken possession of the heir-apparent to the throne, and which prevents his ever remaining many hours together in the same place. He has been visited in his dreams by a maiden of such loveliness, as never was before beheld by human eye, and being advised by astrologers that she is mortal, he has determined to seek her all over the world. In the embarrassment which these arrivals occasion to the wedding party, mention is made of the bronze horse, a phenomenon with which the whole country rings; and the prince asking for an explanation, is told in a song by Peki, that, a short

time previously, and all on a sudden, a gigantic horse, apparently of bronze, had appeared; that some venturous persons had mounted him; and that as soon as he felt a rider on his back, he soared upwards and disappeared in the clouds. Yanko had been one of these cavaliers, but he was absent a very short time, the horse having brought him back to earth with the same rapidity as he had carried him off. No one knew whither he went or what he saw; a dreadful penalty was to attend the disclosure of any of the particulars of this aerial journey. The prince, nothing daunted by this recital, determines to essay the adventure of the enchanted horse, and summoning Tsing-sing to follow him, which by virtue of his office the mandarin is compelled to do, the first act ends with their departure. In the second act the actual wife and the wife elect are seen mourning merrily for their lost husband. Taojin, who has discovered the mutual love of Yanko and Peki, advises them to elope, and favours their flight. Peki is prepared with male attire, and all is ready, when the mandarin returns without his companion, the prince. The father of Peki had no sooner lost one son-in-law than he engaged another, quite as little to Peki's liking, but who consented to pay the dowry which the father demanded; for in China the bridegroom pays for his wife before marriage. At the very moment when the mandarin drops from the clouds, the supper, which had been prepared for the second wedding, is in a state of active forwardness. He is touched with this mark of attention on the part of his father-in-law, and is resolved to enjoy

himself. Tired with his trip, he seats himself in his chair, and beginning to doze, mutters in his slumbers some words of which Peki catches enough to convince her, that he has been borne through the clouds to some planet which is peopled by beautiful nymphs, of whom the most beautiful is a princess under a spell, and that this spell can be broken only by the person who shall be discreet and bold enough to observe all the regulations of the enchanted place, and to possess himself of a certain magic bracelet. Although the unlucky mandarin has only talked to himself and in his sleep, he has said too much; the doom falls upon him, and he is suddenly transformed into one of those grotesque porcelain figures, with fixed eye and uplifted finger, which used to form the delight of fine ladies in the last century. The musicians assembled to celebrate the new wedding try in vain to wake him with their chorus; they sing louder and louder, but he is deaf and dumb—in short turned to stone. Yanko enters, and seeing the fate of the mandarin, is so thrown off his guard, that he whispers the cause of it to Tchin Kao, but in doing this he divulges some of the secrets, and is instantly transformed in the same manner as Tsing-sing. The effect of these transformations is extremely whimsical. Peki, in despair at the loss of her lover, determines to mount the bronze horse, and in her man's dress is borne upward in the midst of the wondering crowd who had assembled to celebrate her wedding. The third act opens in the planet Venus, where Stella, the princess of Mogul (Miss Forde), is kept in the power of an enchanter, doomed

to receive and to captivate all the visitors who are brought thither by the bronze horse; while the condition of her deliverance is that some being of earth shall withstand her attractions for the period of a whole day, and possess himself of the bracelet which the princess wears upon her arm. Hitherto all, who have attempted this difficult task, have failed. The prince, aware of the condition, has nearly passed a whole day in the presence of the princess and her nymphs; at length his passion overcomes his resolution; he imprints a kiss on the hand of Stella, and is straightway precipitated to earth. Peki arrives at the planet, and finds no difficulty in the stipulated forbearance. Stella and Lo Mangli, her attendant (Miss Healy), essay in vain to move the obdurate heart of the supposed young man. Peki resists all their blandishments—the fated hour arrives—she seizes the bracelet, the spell is broken, and they descend to the hall in which the statues of the mandarin and Yanko are placed, and to which is added that of the prince, who it seems was not able to remain silent on the subject of the wonders he had seen above. Peki restores them to animation; the prince is united to Stella; Tsing-sing consents to the marriage of Peki with Yanko; and the drama ends with the celebration of the feast of lanterns, in which was introduced a very humorous and grotesque ballet.

9. EXECUTION OF LACENAIRE AND AVRIL.\*—At nine o'clock on Friday night, Lacenaire was informed at the prison of the Concier-

\* See their trial; Vol. LXXVII., page 155, Chronicle.

gerie, that he must rise from bed, in order to be transferred to the prison of the Bicêtre. "Well, then," said he, "I only wish that it may be all over to-morrow." Avril was sound asleep at the time. When told that he must prepare to go to the Bicêtre, he displayed great coolness, and expressed the same wish that Lacenaire had. It was a quarter past ten o'clock when the convicts reached the Bicêtre. The reason of their removal had been carefully concealed from them; but they declared, that "they were not to be duped by any secrecy! that they knew well enough, that it was for to-morrow, &c. \* \* \*:" and they immediately set to and sang the Parisienne. The next minute they were locked up in separate cells. At eleven o'clock the head of the street police visited the culprits, with the view of obtaining from them, if possible, fresh disclosures; but they both, on being separately interrogated, declared that they had nothing to add to what they had already confessed. The two culprits, though separately confined, could, by raising their voices, contrive to address to each other a few words. Lacenaire was heard to say to Avril, "It is cold; it freezes: the ground will be hard and cold to-morrow." At six o'clock on Saturday morning the Abbé Montes, general gaol chaplain, and the Abbé Azibert went to the condemned cells. Lacenaire received the Abbé Montes with great politeness. "I thank you," said he, addressing the priest, "but I regret the trouble you have put yourself to. You know, that what you have come about does not at all accord with my manner of looking at things, and your visit

is useless." Lacenaire had on the previous evening composed at the Conciergerie a prayer to God, the concluding lines of which are as follow:—

"Dieu que j'invoque, écoute ma prière!  
Darde en mon âme un rayon de ta foi,  
Car je rougis de n'être que matière,  
Et cependant je doute malgré moi—  
Pardonne-moi, si dans ta créature  
Mon œil superbe a méconnu ta main.  
Dieu—le néant—notre âme—la nature,  
C'est un secret;—je le saurai demain.  
"La Conciergerie, 8 Janvier, 1836."

Avril received M. Azibert with greater earnestness. He listened to the exhortations of the venerable ecclesiastic with great resignation, and manifested a strong religious sentiment. "Monsieur l'Abbé," said he, "be pleased to fulfil one of my last wishes:—announce, in your sermon to the prisoners of Bicêtre, that I repent what I have done; tell them that my example ought to be useful to them: I am very guilty, I know; if I had not abandoned my family when I was quite young, I should not be in the situation I am now in."

At half-past six o'clock the two prisoners were conducted to the chapel to hear the service for the dying. Avril was calm and collected: Lacenaire's countenance was pale, and he tried to assume an air of indifference to what was passing around him. As soon as the prayers were concluded, Lacenaire asked for a cup of coffee and a glass of brandy, which he shared with Avril; the latter asked for another small glass of brandy, half of which he gave to the other prisoner. "For the little time which now remains for us in this world," said Lacenaire, "it is no use to forget our old habits," and so saying he took a cigar from his

pocket, lighted it, and began to smoke as usual. At that moment the executioner and his assistants presented themselves. Lacenaire followed them in silence; as soon as he arrived at the lobby, Lacenaire laid his cigar upon the stove and sat down upon the fatal stool. During the preparations for the *toilette* Lacenaire again became pale; addressing one of the officers he said, "Have the goodness to bring me my blue frock-coat, I am anxious to wear it to-day" (the coat he wore during the trial). Then, perceiving the governor, he said, "Ah! M. Becquerel, I hope you are well. I had asked for some paper and ink for this morning, they were probably forgotten;" and he added with a forced smile, "No, they will be for to-morrow." On seeing the inspector-general of prisons, he said, "I am glad to see you, M. Olivier Dufresne, and I thank you for coming to attend upon my last moments." The necessary preparations having been concluded, Lacenaire was reconducted to the ante-chamber. During that mournful ceremony, Lacenaire became evidently depressed; it was easy to see that he made an effort not to discredit that firmness of which he had made so great a display; but already his heart began to fail him, and it was with a painful exertion that he succeeded in pronouncing a few short and half-articulated words. Avril was led forward in his turn: "Where is Lacenaire," said he in a quiet tone, "he is not gone?" One of the assistants intimated to him, by an inclination of the head (it being contrary to the rules for these persons to speak a word to the convicts), that Lacenaire was in the ante-room. "Ah! very well,

very well." Avril remained silent during the first moments of the *toilette*, but when one of the assistants approached him for the purpose of cutting his hair—"Ah! ah!" said the prisoner, "I have saved you the trouble—I had a presentiment of the thing, and yesterday I cut off all my hair. There, you see how I have done it; come, put on my cap, for it is rather cold this morning." Then, raising himself in a lively manner, he said, "Let us be moving,—adieu, my friends" (addressing himself to the persons present). During this time Lacenaire remained motionless upon a seat in the ante-room, and maintained strict silence. At the moment of departure he was seized with an involuntary shivering fit, and followed the other convict with an unsteady step. On their way to the place of execution (prolonged in consequence of the bad state of the streets) the unfortunate men persevered in strict silence, which was interrupted only by an observation of Avril relative to the intense cold, and the appearance of the morning, which promised to be fine. At a quarter to nine o'clock the mournful procession arrived at the foot of the scaffold, which had been raised at one o'clock that morning by torchlight. Lacenaire descended first from the cart; the pallid hue of his face was terrifying, his look was vague and uncertain; he muttered something, and seemed to seek for words which his tongue had not the power of uttering. Avril, in his turn, got down from the fatal vehicle, but with a light and firm step, and took a tranquil view of the people assembled around. He approached Lacenaire and embraced him. "Adieu, my old boy," said he, "I am

going to commence the march." He then mounted the scaffold with a firm step, and was bound to the fatal plank. He turned round once more, and said, "Come, Lacenaire, my old boy, courage! follow my example." In another second the knife descended, and his head was severed from his body.

Whilst this scene was passing, Lacenaire stood at the foot of the scaffold. The Abbé Montes endeavoured to divert his attention from the terrific spectacle. "Ah, bah!" replied Lacenaire in a weak voice; in vain he tried to assume an appearance of courage which he no longer possessed. "Is M. Alard there?" he inquired in a still weaker tone. On being told that he was present, he added, "I am—I am—very glad." He had previously announced, that he intended to address the people, but he had not the strength to do so; his knees trembled under him, his countenance became completely changed, and he mounted the steps of the scaffold, only with the assistance of the executioner.

About 500 or 600 persons, amongst whom (contrary to usual practice) were but a few females, were present at the execution. It had not been announced in any of the journals, and the strictest secrecy had been enjoined upon those to whom it was necessary to communicate previously the time fixed for it.

9. **TITHE CONFLICTS.**—An inquest on the remains of Richard Hudson, a process-server, who was found murdered on the road near Inniscarra, on Friday, commenced on Saturday, before Mr. James O'Brien, coroner, and a jury composed of four Protestants and eight Roman Catholics. An inquiry into the cause of the death of

Denis Mahony, a peasant who lost his life in the affray, took place subsequently. The place where Hudson was murdered and Mahony shot is quite close to a bridge, about eight miles from Cork; it is approached for a considerable distance by a straight line of road, along which several tithe defaulters lived, upon whom Exchequer processes were to be served; and at the end of this road is a steep declivity of a serpentine nature, which leads quickly to Courthbrack-bridge above alluded to. Leading from the bridge is a gentle ascent, which opens to the view a straight line of country. Eight bailiffs, brought out from Cork, by the rev. Mr. Beresford, to serve five Exchequer decrees, proceeded with two guides from his house at an early hour on Friday morning, and arrived before daybreak on the first of the roads thus described. Under cover of the night this little band remained concealed from observation, no doubt not apprehensive of danger while darkness enshrouded them from public view. At break of day they divided and took up their positions at the doors of the houses of the different farmers, upon whom they had processes to serve. There they awaited silently the first opening of the front doors, careful that no noise should be made to excite the least alarm. This mode of serving the processes was adopted, as least likely to lead to a breach of the peace. Having waited at the doors for a considerable time, the door of one house was opened and the process thrown in. The ten men then met together on the road. A short conversation amongst them as to the road they should pursue back to Mr. Beresford's was being held, when a congregation of the peasantry was observed. They were

out of their houses instantly, some dressed and others undressed. Repeated yells were raised, which reverberated through the entire valley, and the assemblage increased in numbers to about 100 men, women, and children. The little band pursued their way along the road a short distance, but finding the mob increasing in numbers, and fearful of being surrounded, they ran. Stone-throwing commenced, and showers of stones came in all directions after the fugitives, some passing between their legs, some whizzing over their heads, and others striking them in various parts of their bodies. As quickly as they descended the declivity above the bridge, so quickly did the mob pursue, and even more quickly. The strength of poor Hudson, who was above sixty years of age, began to fail him; he was left behind the rest of the party, his breath failed when he reached the level ground beneath, and, seeing an ascent before him, he called out "Murder, murder," and stopped short, unable to proceed further. He got to the side of the road, where was a shallow dike, and placing one foot in it, and the other on the bank, he extended his right arm, and cautioned his pursuers not to approach, or that he would fire the pistol he held in his hand. Heedless of this caution they closed on him, and he fired at Denis Mahony, the foremost, who was then within about five yards from him, on the middle of the road. Mahony received seven slugs on the left side of the mouth and on the upper lip. He lived for a short time, and then expired. Immediately on firing the pistol Hudson fell, and then his pursuers, closing in, killed him. His head was one entire mass of

blood; the skull was altogether beaten into a mummy; and the man being baldheaded, every cut which he received on it was perfectly visible. They appeared not to have inflicted blows on any other part of his body but the head. There the stabs seemed to have been caused by the prongs of a pike driven into the skull, and hammered with stones until not a bone remained unbroken; for it was an entire moving mass of matter.

At the inquest the jury requested the coroner to draw up the verdict himself, which he complied with, and they found—"That on the morning of Friday, the 8th day of January inst., to wit, at Courtbrack, in the county of Cork, the deceased, Richard Hudson, came by his death from several blows inflicted on his head with some blunt substance, which fractured his skull in different places, of which he then and there instantly died; but by whom the said blows and injuries were given there is not any evidence laid before us to enable us to determine."

The coroner then submitted to them the verdict on Denis Mahony which he said was the only one he conceived they could find, as follows:—"That on the morning of Friday, the 8th day of January inst., to wit, at Courtbrack, in the county of Cork, the deceased, Denis Mahony, came by his death by a pistol-shot, the contents of which lodged in the lower part of the skull, fired by Richard Hudson, since also deceased, in self-defence, of which injury the said Denis Mahony lingered a short time, and then and there died."

The words "self-defence," were objected to, and after a short desultory conversation, they were expunged from the verdict.

On the same day on which took place the pursuit of Mr. Beresford's bailiffs, and the murder of one of them, two-and-thirty armed policemen, and six others, sheriff's men and drivers, went into the county of Limerick, under the direction of the rev. Mr. Bunbury, to levy a distress for tithe on a farmer named Madigan. Some pigs and sheep, fifteen altogether, were seized and driven along a narrow road, towards the village of Newtown, within a few miles of Charleville, under the above powerful escort: in spite of which the country people assembled, attacked the whole party, rescued the stock, pursued the police to their barrack in the village, and assaulted them there, till at length, the police, firing in self-defence, wounded several of the multitude, and shot one of them dead.

11. DUBLIN.—COURT OF EXCHEQUER.—Mr. Sergeant Jackson made an application on behalf of the Dean and Chapter of the Cathedral Church of Killaloe, against Robert Otway Cave, Esq. of the county of Tipperary, in order that the service of a writ of subpoena, by posting a copy of it upon the hall-door of the dwelling-house of the defendant, at Castle Otway, in the county of Tipperary, should be deemed good service; and that a writ of assistance should be issued, calling upon the sheriff of the county to assist in the service of the order and subpoena. The bill was filed for the recovery of tithe composition. Patrick Fahey and Patrick Farrell were employed upon the 17th of December last, on behalf of the plaintiff's attorney, to serve the writ at the residence of the defendant, and they swore that they were

apprehensive of danger to their lives in case they attempted to serve it at his house. They could not venture to serve the writ without the aid of police, or others, to protect their persons. On the 26th of November a writ of subpoena issued out of the Court of Exchequer, at the suit of the rev. T. Knox, against the defendant, which Fahey served; immediately after the service he was attacked by two men, knocked down, and received several wounds upon the head and various parts of the body from which he did not recover for some time. Upon the 26th of November a writ of subpoena was issued by the rev. Robert Berkeley Greene against several persons, and in serving it Farrell was dreadfully beaten, and cautioned never to serve a tithe notice or process in the neighbourhood again. Castle Otway is five miles from any town, and there is no police station near it to afford protection. Upon the 14th of December Mr. Smith addressed a letter to lord Morpeth, begging to know if his lordship or the government (in the event of informations being sworn to the effect that persons were apprehensive of personal danger and violence in the service of a process) would afford the aid of the police or military to protect such persons. After considerable delay, the answer received from lord Morpeth was, "that informations being sworn by persons employed in the service of law processes, showing reasonable grounds for the apprehension of danger, the assistance of a proper police force, accompanied by a magistrate, would be afforded to them." Mr. Smith further stated that, upon the 2d of December he had been informed of the outrage

committed upon the process-servers, particularly the assault upon Fahey. He wrote upon the 4th of December to Mr. Otway Cave, requesting him to give directions to have an appearance entered to a process issued against him, in order to obviate the necessity of engaging a police force to effect the service. Mr. Smith swore that he had no doubt Mr. Cave received the letter, for he found it published in the *Dublin Evening Post*, and that authority had been given for its publication by Mr. O'Brien Dillon, the attorney for Mr. Cave. Mr. Smith also sent a letter to Mr. Langan, the land-agent of the defendant, requesting an appearance, and by him he was informed that he could not think, of desiring Mr. Cave's solicitor to appear in the case, for every legal opposition, that could be given to so severe and unjust a proceeding, ought to be made by every honest man. Mr. Smith went on to say, that informations were sworn by Fahey and Farrell before a stipendiary magistrate upon the 17th of December; and on the same day the informations were forwarded to Dublin Castle, in compliance with the suggestion of lord Morpeth. Until the 31st of December no answer was received. The answer was to the effect that, "The information related to a proceeding in the Court of Exchequer; the proceedings originated in a superior court; the party might obtain an order to assist the service of the process, and the means of calling upon the sheriff to carry it into operation; and as the police and military could be procured from the court, his Excellency did not deem it necessary to comply with the application;" so that the plaintiff was

obliged to seek the protection of the Court of Exchequer. The Court made the order.

Mr. Smith, on the same day, applied on behalf of the plaintiff in a tithe suit, for an attachment against John Malone, for his refusal to assist Robert Dudley, a commissioner, in serving a writ. Upon the 4th of December a commission of rebellion was issued against four defendants. Upon the 25th of December a copy of the writ was served upon Malone, the chief constable, with a notice that he would be called upon to aid in the execution of the writ. The persons, against whom the writ was issued, resided in Tipperary, and John Gavin, one of them, was arrested, and detained in Bridewell until the 4th of January, in hopes that the payment of the tithes would render it unnecessary to remove him further: but, as the tithes were not paid, it was necessary for the commissioners of rebellion to bring him into court, to be examined by their Lordships, before the rule was made for his final committal. Upon the 3d of January the deponent (Robert Dudley) waited upon John Malone, of Borrisokane, and stated that he intended to start for Dublin with John Gavin. Having represented the danger to Malone of conveying Gavin through the country, in consequence of the unlawful opposition to tithe composition, he requested him to escort him part of the way as far as Rosscrea, on his road to Dublin, and to assist him in the execution of the writ. Malone replied that he could not and would not assist him to go even across the street—that he sent a copy of the writ to major Miller, the police magistrate, and that he had given him

instructions not to aid him. Mr. Dudley, finding himself in this predicament, obtained the assistance of other persons, at considerable expense, and brought Gavin to Rosscrea. The question was, whether the law was to be carried into effect, or the people, who chose to resist it, permitted to act with impunity? Chief Baron.—The only question I see in the case is, whether a conditional order should not issue against major Miller also. We think that he should come in at least to show cause. Baron Foster.—I certainly would not grant a conditional order against Malone without including his superior. Mr. Smith.—Major Miller will do one of two things—he will come in and show cause that he justified Malone or not; if he did, he will stand in Malone's shoes: he will then have to shift the burthen upon some other person's shoulders, and we shall not have great difficulty to surmise upon whom he will shift it. The Chief Baron.—Take a conditional order against Major Miller and Mr. Malone: and if they can shift the blame upon another, we will grant an attachment against that person. Baron Foster.—Either our law or that of Major Miller and Mr. Malone is right, and the question may be soon decided by our order.

On the application to make the rule absolute, the question was argued; and on the 1st of February, the court gave judgment: the chief baron said, that the case came before the court on an application to make absolute a conditional order for an attachment against John Malone for a contempt of court, in refusing to assist Robert Dudley and others,

who were appointed commissioners of rebellion by that court. The question was, whether the police were bound to execute the mandate of the court or not. It was stated in the charging affidavit, that Robert Dudley, one of the commissioners, applied to John Malone, chief constable of police, to assist him in the execution of it. This he refused to do without orders (as he said) from proper authority. Dudley then furnished Malone with a copy of the writ, but that did not change his resolution. It appeared that Gavin, one of the persons against whom the writ had been issued, was arrested and lodged in the Bridewell of Borrisokane, where he remained for a few days. Dudley, however, wishing to transfer him to Dublin, again applied to Malone for an escort as far as Rosscrea. Malone again refused, alleging that he had received instructions from major Miller not to interfere. That Malone refused (continued his lordship) there is no doubt; and that he had express orders from major Miller to do so there is also no doubt. The commissioners had power to call on any police officer to assist, and such persons were bound to do so, unless they can show that they were otherwise employed at the time. Malone, on one occasion, said he would protect Dudley, but the manner in which he stated protection would be given was most singular; he would not give the appearance of acting with the commissioner, but he said he would station himself in a place where he could see if he was ill-treated. He (the learned judge) considered that anything but giving assistance. Malone admitted that he had received a copy of the writ; therefore he was

not taken by surprise. The answer given by Malone to Dudley, when an escort was requested to Rosscrea, clearly proved that an escort was necessary. It appeared that Malone and Miller concurred in the refusal to assist the commissioners. The present application was strenuously opposed by the law-officers of the Crown. It was opposed with moderation on the part of the attorney-general, but not so on the part of the solicitor-general, who had accused the opposite party of "falsehood, suppression of the truth, and moral perjury." He (the learned judge) could see no reason for such language. The solicitor-general laid great stress on the commissioners not making application to government, but the solicitor-general was bound to show that the application would have been successful. Had he shown that? Most certainly not. It was insisted that the writ of rebellion had fallen into desuetude, but that was not a fact; it still continued in force. It was true that the powers conferred by that commission were very great, and that in times of tranquillity it might not be often resorted to; but he (the learned judge) would ask any one who heard him, was that the condition of the country at this moment? The learned chief baron, in conclusion, said that he was of opinion that the attachment should be awarded, but that it ought not to issue. All that the court had in view was, to pronounce its opinion in the regular and formal way to show that such persons as the defendants are not exempt from the mandates of this court.

Barons Smith and Foster successively delivered their judgments at considerable length, agreeing with the chief baron.

ROYAL COURT OF PARIS.—SITTINGS OF JAN. 9 AND 16.—DUKE OF CAMBRIDGE v. DUKE OF BRUNSWICK.—M. Duvergier appeared for the duke of Cambridge, as guardian of the duke of Brunswick. He reminded the court that, after the revolution of September, 1830, duke Charles of Brunswick was obliged to take refuge in France, and duke William was invested with the sovereignty of the states of Brunswick, with the consent of the king of England, and his brothers, the dukes of Cambridge, Sussex, and Cumberland, which was given in February 1831. The diet of Frankfort also gave its approbation to this arrangement in May, 1831.

The conduct of duke Charles became so extraordinary, that the near relations of the family were obliged to interfere. The duke not only dissipated considerable sums of money, but meditated an expedition, and even a naval one, for the recovery of his states. The king of England found his interdiction to be necessary, and he placed the duke under the guardianship of the duke of Cambridge, who was authorised to charge one or more persons with the administrative management of all the goods of duke Charles as guardians. The official notice of this act was communicated to the French government, and signified to duke Charles by the Procureur du Roi. The interdiction was attempted to be rendered executable in France; the cause was tried before the First Chamber of the Tribunal de Première Instance; and on the 24th of January, 1833, a decree was given against the duke of Cambridge; the interdiction being considered by the Court to be a political act, and not a

legal judgment. The learned counsel contended against this decision of the inferior court; showed that the interdiction was made in conformity with the legal practice of Germany; that similar acts had, in other cases, been allowed to stand good in France: and that it was an act of moderation and foresight, dictated for the interest of duke Charles by his nearest relations. The purity of the intentions of the king of England was most clearly proved by a note addressed to M. Duvergier himself by the chargé d'affaires of his Britannic majesty, the king of Hanover, and that of the government of Brunswick.

M. Comte appeared for the duke Charles of Brunswick; and before proceeding with his pleadings, begged that the duke himself might be heard upon particular facts. The president granted permission, but said it might be revoked, if abused. Duke Charles (who stood at the bar with a voluminous speech and a large roll of papers in his hands), after expressing much regret at being obliged to reveal the motives which he said influenced his uncle the king of England, went on to say, "My adversaries have endeavoured to intimidate me by spreading the report, that the boldness of my speeches would be an excuse to them with the French government for seizing upon my person. The king of England would have been glad to find in my former words a motive for obtaining my expulsion. An answer was given to him, that the cause was pending before the French tribunals, and that complaints must be addressed to them. In consequence of this my adversaries have made an appeal; they wish to tear me

away from my last asylum, and to force me to have recourse to their protection and their pity. This is what I never will do; death would be a thousand times to be preferred. The principal object of my adversaries is to make me quit France and Europe, in order to throw me into the first madhouse, which they may find at their disposal. After the revolution of July, when I was obliged to quit my states, France gave me an asylum. As yet there was no question raised about taking away my property. I went myself to England, and to Brighton, to reclaim what belonged to me. The king, my uncle, assured me that I had nothing to fear for my property in England; and that if what I had left at Brunswick were touched, he should consider it an act of spoliation. Since that time his language has been changed; I have been dragged before courts of justice, and my defence has been exclaimed against as insulting to the king of England; it might as well be said, that a stag insults a pack of hounds in wishing to escape from them. The usurper of my states has arrogated to himself a right in flagrant contradiction with the fundamental laws of the duchy of Brunswick. There, as elsewhere, sovereigns are responsible to the tribunals; if, therefore, I had been a subject of the duke of Brunswick, I should have been responsible to the Brunswick tribunals, not to him. It has been asked, why I did not address myself to these tribunals; and the example of Charles X. has been cited, pleading before the tribunals of France. There is a great difference, gentlemen, in our positions: Charles X. had abdicated; I have not. It has been asked why

I did not protest to the Frankfort diet: here is the protest, which I lay upon the table. It has been asked why I did not protest to other powers: here are these numerous protests, which I am going to lay before you." The duke then contended, that his threat of attempting to recover his territory by a naval expedition was not an idle or absurd one; that, though the state of Brunswick was not in any part open to the sea, yet an expedition by sea might land near Bremen, and crossing the Hanoverian territory (which he contended he would be justified in doing in retaliation for the violation of his territory by the troops of the king of Hanover), it could soon arrive at Brunswick. He said, that he should have little honour left, if he entered into relations with felons, traitors, and incendiaries (alluding to his late subjects). Here he was called to order by the president, and desired to abstain from all violent expressions. He next went on to contend, that his uncle, the king of England, though his guardian, during his minority, had no right to alter the constitution of his state, but was bound to deliver it up as he had received it.

At the conclusion of his speech, the duke took his seat beside his advocate.

The court retired at half-past two o'clock to deliberate, and at a quarter to four returned, when the president pronounced the following decree, confirming the decision of the Court of Première Instance, but upon other grounds:—

"Considering that the act of the 6th of February and 14th of March, 1833, by its form, by the

authority from which it proceeds, by the person to whom it refers, by the circumstances in which it interferes, and by the motives upon which it is founded, is essentially a political act, the effects of which cannot be regulated by civil law; considering also that an act of this nature cannot affect the civil capacity of a foreigner in France, and cannot be put into execution there; with regard to the present appeal, considering, that by the effect of notifications and oppositions made at the request of the duke of Cambridge, the duke of Brunswick has suffered a loss which the court cannot yet estimate; the court sets aside the appeal and the subject of it, inasmuch as it has not accorded damages to the duke of Brunswick; amending it in this respect, it condemns the duke of Cambridge to the payment of damages to be paid into the court, and orders that the sum of 100,000*f.*, deposited as caution-money, shall remain so until the payment of the damages, after a deduction shall have been made at once for the costs of the trial in Première Instance and the appeal. This decision to have effect immediately, &c."

**THREE LIVES LOST.**—The Pomona schooner sailed from Cowes Roads about ten A.M. on Monday. Two pilots, John and George Rose, father and son, went to pilot her out of the Needles. Samuel White, son of Mr. Thomas White, ship-builder, went with them, to see his brother, who was going to St. Michael's in the schooner, clear of the island. It appears they were seen to leave the vessel about one o'clock P.M., in a small boat (a fourteen feet punt), to

return to Cowes, about two miles outside the Needles, the wind blowing fresh, and soon after the sea overran her. This being observed by the Lady of the Lake tender, an attempt was made to reach them, but it blew so hard they towed the stem out of their boat, which was a-stern; and, but for this accident, they could have saved one of the party—two had sunk. The schooner *Hebe*, of London, was very near them, and also tried to render them assistance, throwing ropes, &c., to them; but having sprung her main boom, and carried away her main sheets, she was obliged to run in under the island.

Thus perished the only hopes of a large family, Rose leaving a wife and six children, all daughters.. White was a remarkably promising young man, of great scientific attainments, and well known to most of the shipowners in England as a first-rate naval architect, and highly esteemed in the town. This is the second loss Mr. White, sen., has experienced within a short time; Mrs. White died, after a short illness, in March, 1835.

A similar accident happened a few years since, when two pilots, Clarke and Derrick, and an officer in the army, were drowned near the same place, as they were returning from a transport, the officer having been out off the Needles with the pilots to take leave of his brother.

— About three o'clock in the morning, a lady named Sewell, residing at No. 28, Trevor-square, Knightsbridge, was awoken out of her sleep by hearing voices apparently in the garden behind

the house. She instantly jumped out of bed, and on going to the window of the back parlour (in which room she slept), perceived two men standing close by in earnest conversation together, one of whom almost immediately advanced to the window, on which Mrs. Sewell drew on one side, and secreted herself behind the curtain. The fellow, after reconnoitring for a minute or two, pushed up the window, which had been left unfastened (the garden being surrounded by a high wall), and in a moment afterwards, being joined by his accomplice, he put one of his legs through, and was in the act of getting into the room, when Mrs. Sewell, with the greatest intrepidity, rushed from her hiding place, and seizing the fellow's leg threw him backwards into the garden. On recovering his feet both of the villains fled across the garden at their utmost speed; and, notwithstanding Mrs. Sewell instantly raised an alarm, they succeeded in scaling the wall at the bottom of the garden, and effected their escape.

25. FALL OF A CHAPEL.— This evening, about 8 o'clock, Manchester was thrown into consternation by the report (which to a certain extent proved to be but too correct), that a chapel belonging to the Wesleyan Methodist association had suddenly fallen down, and that many persons were killed and wounded. Great numbers were soon on the spot; the groans and the shrieks, and the wailings were most heart-rending. The chapel is situate in Oldham-road, and was lent for the evening for the purpose of advocating temperance societies. A principal bearing beam had snapped asun-

der, though its contents were  $10\frac{1}{2}$  inches by  $8\frac{1}{2}$  inches, and it was supported by two pillars, making the spaces only  $7\frac{1}{2}$  feet. On further examination, however, it appeared that the foundation on which the pillars (of timber) were fixed must have given way, as the ground was very wet and clayey. The joists were laid longitudinally, the lengthway of the chapel, and not having sufficient hold or bearing in the wall, drew out. On the beam breaking, the floor fell, and with it from 100 to 200 persons were precipitated into the cellar, one upon another. Only two persons were killed. The chapel had no gallery, but was built in the form of an amphitheatre, and capable of holding 600 or 700 persons.

28. REFUSAL OF THE MERCHANTS OF LIVERPOOL TO ADMIT O'CONNELL INTO THE EXCHANGE NEWS-ROOM. — "This morning Mr. O'Connell arrived in Liverpool to attend a dinner to be given to him by the Radicals of this town. In the course of the morning he addressed a large mob from the balcony of the Adelphi hotel. Elated by the reception he there met with, he flattered himself that he should meet with a similar greeting from the merchants and gentlemen of the town; and accordingly, about 3 o'clock, accompanied by Mr. W. Rathbone, one of the newly-made justices, a band of music, and a large mob, he proceeded to the Exchange news-room. No sooner had he got within the walls of the building, which was crowded with gentlemen, than the cry of 'Turn him out' resounded from one end of the room to the other. He endeavoured to make his way into the room, but the gentlemen formed a barrier round him, and

effectually resisted his further progress. In vain did he endeavour to obtain a hearing; he was forced to leave the room, amid the most opprobrious hootings. His exit was the signal for a general and continued cheering, followed by three cheers for the king, the same for the duke of Wellington, sir Robert Peel, lord Sandon, the House of Lords, and three continued cheers for 'Church and King.'"

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## FEBRUARY.

6. FIRE ON BOARD THE NEW YORK PACKET SHIP HIBERNIA. — This evening the American packet *Hibernia*, captain Wilson, which had arrived in the morning from New York, was discovered to be on fire. The cargo consisted of turpentine, cotton, and a few miscellaneous articles. It appears that in the course of the afternoon the landing surveyor and custom-house officers visited the vessel, in consequence of some information which they had received that it had contraband articles on board, and it is said they made some remarks relative to a smell of fire, which they had distinguished below in the fore-castle. Between 5 and 6 o'clock a thin white smoke began to ascend from the fore-hatch, which continued to increase in density, till no doubt could exist that some part of the vessel was on fire. To ascertain the precise locality, or even the nature of the fire was impossible, as the vapour had become so thick, and was of so penetrating an odour, that to breathe even in its vicinity was almost impossible. The alarm was quickly given, and by 6 o'clock Mr. Whitty, with

four of his best-appointed engines, was on the spot. Every exertion was made for upwards of an hour and a-half to get the fire under; but all their efforts seemed unavailing. The firemen were dealing with a concealed enemy, and the dense volumes of smoke, which issued copiously from the orifice of the fore-hatch, and spread themselves over the deck, choked and blinded them. Torrents of water were poured from the engines down the opening of the fore-castle. Still there was no impression. The firemen knew from the smell of the smoke that they had not succeeded in playing upon the right spot, and the prevailing notion was, that the fire was deeply seated amongst the lower tiers of cotton bales and the casks of turpentine, and that it had been the effect of spontaneous ignition. Various were the opinions given as to the best mode of procedure under these most difficult circumstances. Here was a large ship filled with the most highly inflammable materials, in an extensive and crowded dock, surrounded by ships, which, with their cargoes, were worth millions of pounds. Some advising the tearing up of the decks, as the only means of discovering the seat of the fire, it was replied by the more prudent, that opening the decks would be the very method to give the fire an opportunity of escaping upwards. The safest method seemed to be to scuttle her, and this opinion was soon acceded to by all present. After a few minutes' conversation, it was determined to haul the vessel through the dock to the gut or lock leading to the George's basin, where the inner floodgates being closed upon her, and the

tide being low, they could at any moment either leave her dry or float her to any depth of water, while her dangerous proximity to the other ships would be decreased. This operation was no sooner determined upon, than it was executed in a most masterly style. A landyard having been passed along the dock by means of a boat, the multitude hauled it with such hearty goodwill that the vessel passed through the water with the speed of a steamboat, and was in a few minutes safely closed in the lock. Three carpenters were then lowered into a boat, and with axe, chisel, and mallet, &c., a large hole was quickly made in her side, close to the water's edge. The water was then drained from the lock till about eight feet of it had left her sides, and the boat, proceeding to her bows, inflicted another broad wound in her close timbers. The vessel then fell over to larboard, and a painter having been fastened to the upper part of the mainmast, was made fast on the shore. The object of the last was to hold her over to larboard when the water was let into the lock, that it might flow through the breach in her side. In the meanwhile, water, in immense quantities, from four powerful engines, had been poured down her fore-hatch, but apparently without producing any effect. The preparations for scuttling being complete, the sluices were opened, and the water poured into the gut. Such was the buoyant nature of the cargo, that the vessel soon floated again. The man at the pump presently reported 8 feet of water in the hold. Shortly after, he reported 9, 10, &c., till at length the report reached 16, when the ship filled with fearful rapidity.

The gut was, however, so supplied with water that she could not sink further than within about one foot of the scuppers. It now became evident, that the fire was not, as had been at first supposed, deeply seated. Nearly the whole of the hold was under water, yet the fire continued; but the moment the water approached the second deck, there was a sensible abatement. At about 11 o'clock the smoke became thinner, and emitted a strong odour of steam. In a short time it cleared away entirely, and the good ship was safe. During the whole of the next day the pumps were kept going; and, as the leaks had been temporarily repaired, the vessel was gradually cleared of the water. The cargo was also turned out in considerable quantities; and the cotton did not seem to have been much damaged by its immersion. It appeared that the fire had been confined completely to one spot, immediately behind the fore-castle, and under the second deck.

**DRURY LANE THEATRE.**—A new tragedy, called the *Provost of Bruges*, was acted with marked success. The play opens at a period when Charles, Earl of Flanders, (Mr. Diddear,) with the advice of Thancmar (Mr. Warde), one of his nobles, has revived an obsolete law, the effect of which is to give to the feudal lords absolute power over their serfs, and the right of reclaiming them, whatever station they may have acquired by their industry or merit. By a stretch of tyranny the earl has ordained, further, that if any serf, or the descendant of a serf, shall have contracted a marriage with the member of a family freed from the condition of vassalage, the lord shall claim not only his born thrall,

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but the persons who by such marriage shall have become connected with him. The absence of Berthulf (Mr. Macready), the honoured and powerful provost of Bruges, has enabled the earl to carry this measure, which Berthulf's remonstrances had till then prevented. Berthulf has an only daughter, Constance (Miss Tree), who has lately become the bride of Bouchard (Mr. Cooper), a young knight of noble lineage and high military renown. Bouchard is forced by the officious mischievousness of a friend into a quarrel with Thancmar, who, being a sworn foe of Berthulf, and presuming on his favour with the earl, insults the knight, and is defied by him to combat. Berthulf returns to the city at this juncture, and learning that his son-in-law's quarrel is with Thancmar, whom he hates with a rancorous, but unexplained, animosity, he refuses to second the earl's endeavours to arrange the dispute, and urges Bouchard not only to fight with, but to destroy Thancmar. The day and place for the combat are fixed, when a miserable old man, who has been known to have lived long upon the bounty of the provost, seeks Thancmar, informs him mysteriously that he has the power to prevent this fight, and that he will exert that power; at the same time hinting that the provost cannot refuse any request he may make. The hour for the combat, however, approaches. The earl, attended by his nobles, and Bouchard, accompanied by the provost, are on their way towards the lists. As the latter passes, Philippe (Mr. Meadows) throws himself in his way, and entreats him not to allow the fight to proceed. The provost first puts him off, and at length, tired with the

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old man's importunities and his threats, shakes him off with such violence that Philippe falls and is hurt. In his rage he sends a messenger for Thancmar, discloses to him the fact that this provost of Bruges, whose bravery in arms, and wisdom in council have raised him to the highest honours in Flanders, is the serf of Thancmar, born on his domain, and the son of one of his vassals. Thancmar returns to the lists, but availing himself of the new law, not only refuses to fight with Bouchard, as of inferior rank, but claims himself, his wife, and the provost, her father, as his serfs. Bouchard, full of shame and rage, demands an explanation from the provost, who avows all, and diverts the indignation of Bouchard by showing him the common peril which surrounds them, and urges him to vengeance on their oppressors. A very effective scene ensues between Bouchard and Constance, in which the husband's rage yields to his love for his innocent bride, who is the unconscious cause of the ruin which has fallen on them. She determines to share his fate, and they flee to Bouchard's castle. Berthulf, in the mean time, seeks the earl, appeals to his justice, to the sense he ought to entertain of those services rendered by the provost, which had placed him on the throne,—upbraids, threatens,—all in vain. The utmost boon he can gain from the earl is to be permitted, within two days, to quit Flanders for ever. On his return home, bowed down by the degradation of having been compelled to sue to the Earl for such scanty mercy, he is worked up to desperation by learning that Bouchard's, castle has been stormed, sacked, and destroyed, by Thancmar and

his followers, and that Constance is driven into madness. The provost determines on a dire revenge, seeks the earl in the church, and slays him while kneeling at the altar. Bouchard and his friends break into open rebellion, and for a time possess the city. Berthulf, brokenhearted, is found beside the couch of his distracted child, from which he is only drawn by the entreaties of his friends, who call upon him to head their troops. The palace is attacked. Thancmar and Bouchard meet. The latter triumphs, but while he throws at Berthulf's feet his sword wet with the heart's blood of their worst foe, he sinks under the mortal wounds he has himself received. At almost the same moment the provost learns that his daughter is dead. The enemy's soldiery burst into the palace, longer resistance is vain, but the provost, refusing to surrender, dies by his own hand, exclaiming, with his last gasp, that he is no serf.

10. DESTRUCTION OF LORD NEWBOROUGH'S MANSION IN WALES.—The town and neighbourhood of Carnarvon were thrown into considerable consternation between 9 and 10 o'clock, on the night of the 10th, by the arrival of intelligence that Glynnllivon, the noble mansion of Lord Newborough, situated about five miles from that town, was on fire. A number of the inhabitants hastened to the scene to render all the assistance in their power, and the fire-engine belonging to the borough was immediately sent off under the guidance of experienced firemen. On arriving at the park, it was evident, that the mansion could not be saved; the roof had fallen in, and the flames were

bursting from every window. The lawn was covered with piles of costly furniture, pictures, pier-glasses, choice specimens of art, antiquities, and books. The fire-engines were then directed to preserve the arched cellars, and in that they were successful. By an early hour in the morning the stately pile was completely gutted, and nothing left but the bare and blackened walls.

16. FIRE AT SPITALFIELDS' CHURCH.—Between two and three o'clock in the afternoon, a fire was discovered in the spire or belfry of Spitalfields' church. The alarm was first given by some persons, in the vicinity, perceiving a volume of smoke issuing from the windows of the belfry over the clock, and it was discovered, that the wood-work in the clock-room was on fire. The flames at the time had reached the loft, over which the ponderous bells belonging to the church were hung. A number of fire-engines in a very few minutes arrived on the spot; but, from the height at which the fire was situate in the belfry, the hose could not reach it; and though there appeared to be a plentiful supply of water, the efforts of the firemen were unavailing in checking the progress of the flames in ascending the spire. They therefore devoted the whole of their attention to the roof, and used all their exertions in preventing the flames reaching the body of the church; and in this they were successful. The wood-work which supported the peal of bells having been consumed by the flames, the bells, which were twelve in number, and were considered the finest in the metropolis, fell, one by one, with a tremendous crash, particularly the tenor, which weighed

no less than forty-four cwt. This bell, it was feared, would, from its ponderous weight, have caused much damage in its fall; but, owing to a strong arch being formed under the floor of the belfry, this was prevented. The large bell in falling on the top of the others split right in two, without doing any mischief. At seven o'clock the wood-work in the spire having been completely consumed, all further apprehension for the safety of the other part of the structure was removed. As to the cause of the fire, William Root, the sexton, stated that, between two and three o'clock, while sitting in his room in the church, a man in the employment of a carpet manufacturer in the neighbourhood, came to him and said, that there was a considerable alarm outside, that the church was on fire, and that a quantity of smoke was issuing at the time from the belfry. He (Root) instantly went to a large stove which was situate on the north side of the church, and in which there was a fire on that morning, but found, that the fire had been out for some time. He then ran upstairs to the vestry-room, which was situated in front of the belfry, and on the floor underneath the belfry, where there had also been a fire. On reaching this room he perceived, that there was some fire still remaining in the grate, but on looking up towards the belfry he perceived a body of smoke issuing forth, which he felt satisfied could not have been occasioned by the fire in the vestry-room, as it was at a great distance from it. At this instant he saw a boy, named Tell, the apprentice of Mr. Irons, the steeple-man as he was called, or

the person who took care of the steeple; and on asking him what had caused the fire, he (the boy) said he had been casting some weights (bullets, it was afterwards said). It appears, that the spireman, Irons, is a broken-down tradesman in the parish, who left the duties of his situation to boys. A short time ago much alarm was excited by a light being perceived in the church at a late hour of the night, and on another occasion the bells were chimed at two o'clock in the morning.

19. EXECUTION OF FIESCHI, MOREY, AND PEPIN.—This morning, at ten minutes past eight o'clock, the sentence of the law was carried into effect upon Fieschi and his accomplices. At six o'clock, Pepin called for some refreshment, and he very quietly ate the wing of a fowl. Fieschi would not eat any thing. He only asked for a glass of liqueur. "Something strong," said he, "but not brandy, because I do not like that." At seven o'clock the executioner, accompanied by nine of his assistants, having arrived at the prison of the Luxembourg, and exhibited to the governor the order for the execution, Fieschi was immediately conducted to the hall where the preparations were to be made. The executioner caused a bench to be placed between two of the pillars in this hall; behind it were immediately stationed three gendarmes with sabres drawn, and opposite, next to the wall, were placed three chairs. Fieschi came out first. He wore blue pantaloons and a waistcoat of woollen stuff. His head was covered with a black silk cap. With a careless air, holding his head high, and casting his eyes on every object around him, he

took his seat on the bench without saying a word. Three of the executioner's assistants then came up to him and asked him if he had not a frock-coat. "What need should I have for one?" said he. "Because it is cold," was the reply. "Oh! I shall not feel it long; but yet I think you are right; pray let my coat be fetched." When his hands were about to be tied behind his back, he requested that they might not be tied very tight. Several times during that operation he exclaimed, "It is too tight, you hurt me; I wish to have my movements free." One of the assistant-executioners slackened the cord, and was proceeding to tie his legs, when Fieschi said, "Well, this very night I dreamt, that you were tying my legs." While these preparations were going on, Fieschi continued talking with great volubility, addressing himself to every person around him, whom he had known in the prison. "Is that you, Prussian?" said he to one of the keepers; "and you, young one," addressing another, "you who were my friend, you come here to see me tied up in this way? go, go away; all the others who are here are doing their duty, but you have none to perform here, therefore go." The preparations being completed, Fieschi stood up and spoke thus:—"Gentlemen, I request you will bear witness that I have bequeathed my head to M. Lavocat. I have done so in writing, and I suppose the law allows, that my will be respected. Where is the man whose business it will be to pick up my head? I tell him it shall not be his, but M. Lavocat's. Yes, my head belongs to M. Lavocat, my soul to

God, and my body to the earth. Now let the others be brought forth; let them be placed before me; I want to see them; this is my day of festivity." The executioner took hold of his arm, and assisted him to one of the three chairs placed against the wall. Morey was brought forward next, supported by two of the keepers. He was dressed in a brown great-coat and a black silk cap; his attitude was calm and resigned. He sat or rather dropped down on the seat, and underwent all the preparation without pronouncing a single word. Now and then he raised a look of indifference on those around him. Fieschi, who was opposite Morey, did not cease talking. "Well, well," says he, "where is my great coat? Is it not to be found? I cannot go as I am." He was told, that it was in his trunk, and that the key was not to be found. "Here, here, feel in my trousers pocket, it's most likely there—or, more likely, it's in my waistcoat, that I have just given to one of these gentlemen." A moment afterwards his black great-coat was brought him and placed on his shoulders. "Is this great-coat still mine?" said Fieschi; "can I still dispose of it?" After a moment's silence, Fieschi rose, apparently to speak. The executioner invited him to sit down—"What!" said he, sharply, "can't I stand up?"—"Sit down, if you please."—"Well, then, I shall stand up." Fieschi then raised his voice, and exclaimed with impatience, "Where is M. Lavocat? What! M. Lavocat won't come! He has not then been told, that I wished to see him. . . . He shall come;

. . . yes, if M. Lavocat does not come, I shall die damned." On the utterance of this expression, the Abbé Grivel, the chaplain, placing his hands on Fieschi's mouth, said with mildness, "Oh, my friend, what a word! hold your tongue. I have written to M. Lavocat." Fieschi appeared to become more calm, but he repeated several times his regret at the absence of M. Lavocat, and asked after him frequently.

During the preparations, a man was seen close to the pillar, in a gray great-coat, with a fur cap on his head, smoking his pipe. He appeared to be looking on as an indifferent spectator, and addressed a few words to his neighbours on the details of this ceremony. This man was Pepin.

On being called by the executioner he placed himself on the side of Morey, took off his coat and neckcloth, which he gave up to a keeper, saying, "Give these things to the Director," and while his hands were being tied, he continued smoking his pipe. His face did not show the least emotion; his voice was not altered—he spoke very little. But when the collar of his shirt was cut off, he turned towards Morey, and said, with a calm voice, "Well, my old Morey, it appears that we are going together into the other world!" Morey replied—"A little sooner or later, what does it matter?" A moment after, Pepin cast his eyes on Fieschi. "Well, Fieschi," said he, smiling, "you are pleased, you are now opposite your friend, (checking himself,)—I mean your victim." Fieschi attempted to reply, but was prevented by the Abbé Grivel. "Bah! bah!" said

Fieschi, bursting into laughter ; and at the same time perceiving M. Oliver Dufresne, principal inspector of the prisons, with his snuff-box in his hand, he begged for a pinch of snuff. The functionary, to satisfy his last wish, placed a pinch of snuff on his hand, and Fieschi took it with a kind of eagerness. At a quarter after 7 o'clock, the preparations were finished. The condemned got up to be led to the fatal vehicle. Pepin, who continued smoking his pipe, then said—"Gentlemen, the crime of Fieschi is confined to him alone. There is no other guilty man here besides himself." "I have done my duty," observed Fieschi, "and all I regret is, not to have had forty days more to live, in order to write a great number of things that remained to be told." The three convicts were then led out of the hall, and were taken through the garden to one of the furthest gates, where three vehicles were standing to receive and conduct them to the place of execution. Fieschi walked first, and did not cease talking to those who were around him. Pepin came next, with his pipe in his mouth. Morey was last, hardly able to drag himself along, and assisted by two executioner's men, who held him under the arms, to whom he more than once said, "Do not leave hold of me, for I should instantly roll like a bundle." "Come, keep up your courage," said one of the attendants to him. "Courage !" exclaimed Morey, "I want none of that ; it is a pair of legs that I am in want of." Each of the convicts was placed in a separate vehicle, with a confessor and two gendarmes. The doors of the three vehicles were left

open. Attended by a party of gendarmes and Municipal Guards on horseback, the procession started from the Luxembourg at half-past seven for the place of execution. The melancholy *cortège* took the way of the Boulevards to the place of execution. A great display of the armed force had been deemed necessary by the government. There were 6,200 men under arms, not including the numerous agents of the police, who were so stationed as to prevent the curious from traversing the road through which the *cortège* was to pass. On every tree of the Boulevards and gardens adjacent, commanding a view of them, there were perched from ten to fifteen persons. The dead walls along the Boulevards were also crowned with crowds. Now and then Morey looked out of the door of his vehicle, to see whether the scaffold was yet in sight. A few moments before the arrival of the *cortège*, the commissaries of the police on the Place St. Jacques allowed that portion of the crowd which was nearest to a very wide circle formed round the guillotine, to take their station within that circle, which was instantly filled with about 3,000 persons. On the outside of the gate, at a tavern, the duke of Brunswick was to be seen at a window of the first-floor, looking over the gate on the scaffold with a spying-glass. The duke wore a fashionable great-coat of an olive green, and frequently waved about a beautiful Indian silk handkerchief. There was with him an Englishman, who was said to be a person of distinction—he was accompanied by an interpreter. They gave 60 francs each for their places.

The three vehicles having ar-

rived at the place of execution, Pepin mounted the scaffold with a firm step, and exhibited in his entire deportment a degree of calmness and resignation that formed a strong contrast to the weakness and irresolution he displayed during his trial. On reaching the platform he bowed to the assembled multitude, resigned himself into the hands of the executioner, and in another moment ceased to exist. Morey next ascended the scaffold. His age, his physical infirmities, and his gray hairs, seemed to command respect, in spite even of his guilt. In consequence of his extreme debility, he was lifted on the scaffold by the executioner and his assistants, by whom he was strapped to the fatal board. The knife then descended, and he was a headless corpse. Both he and Pepin declared that they died innocent.

During the execution of Pepin and Morey, Fieschi, who stood at the foot of the scaffold, turned away his head, "not," he said, "that he feared the sight of death, but that he might not appear to brave his accomplices." He continued to converse with those around him till the assistant executioner laid his hand upon his shoulder as indicating that the fatal moment for him had arrived. Fieschi, accompanied by his confessor, whom he had entreated not to leave him till the latest moment, came forward without hesitation, and requested permission, to address the spectators. M. Vassal, the commissary of police, consented, but desired that he would be brief. He immediately mounted the steps with extraordinary rapidity, and placing himself in the attitude of an orator, pro-

nounced the following words with a clear and firm voice:—"I am about to appear before my God. I have told the truth. I die content. I have rendered a service to my country by pointing out my accomplices. I have told the truth, and no falsehoods, as I call upon Heaven to witness. I am happy and satisfied. I demand pardon of God and man, but above all of God. I regret my victims more than my own life." Upon this he turned quickly round, and delivered himself into the hands of his executioners.

The body of Pepin was given up to his family for burial at their request. The others were delivered for dissection.

A MURDER ALLEGED TO HAVE BEEN COMMITTED BY THE REIGNING DUKE OF BRUNSWICK.—The following extraordinary narrative was extracted from the Times newspaper:—"The present reigning duke of Brunswick paid court to Mrs. Methfessel (*née* Demoiselle Lehmann), and was much countenanced in so doing by her husband. The duke found the most convenient spot for 'making love' was behind the scenes, when Mrs. Methfessel was in her theatrical costume. A Mr. Cornet, a celebrated singer, having quarrelled with Methfessel, fell, of course, into disgrace with the duke, and to be revenged, persuaded the machinery-master to exhibit the lovers to the public. As a matter of joke the poor fellow agreed, and raised the curtain just at the instant when the Royal Duke and Madame Methfessel were tenderly embracing each other! The lady fainted, the Duke cried revenge, unsheathed his sword, and passed it through the body of the machinery-master, who breathed his

last upon the stage—a tragic end!

**SUPERSTITION.**—The *Journal de la Meuse*, of the 21st February, relates, that a few days before, the crier of the town of Loupy le Petit, with permission of the mayor, made the following proclamation:—"The inhabitants are informed, that a woman having relics of St. Hubert and others, which are good against hydrophobia and other complaints, will come to their houses to-morrow, in order to mark their dogs, cats, sheep and other animals, demanding only one *sou* for each. A mass will be celebrated in honour of the great saint, to prevail upon him to preserve all such animals from the said complaints." In fact, on the following day the woman appeared, accompanied by a shepherd, and marked a great many animals, thereby procuring a considerable sum. The mayor himself was the first to set this excellent example. The rector, unwilling to become an actor in such foolery, refused to perform the mass.

**29. FALL OF A HOUSE IN THOMAS'S STREET, LIVERPOOL.**—This morning, at about half-past six o'clock, the watchman, Brice Smith, whose beat is in Lord-street and the vicinity, was going off duty, when he was startled at hearing a loud rumbling noise, like distant thunder, which was succeeded by an appalling crash. He turned his eyes in the direction of the sound, and saw a dense cloud of dust rising and spreading slowly in the air, apparently in the neighbourhood of South John-street. He ran to the spot to which the column of pulverised matter directed him, and found that it proceeded from a house in

Thomas's-street, having been suddenly precipitated from its site into a deep excavation, which had been dug for the foundation of a new building. The neighbourhood was immediately in a state of the utmost alarm and commotion. No time was lost in sending the intelligence to the police-offices, and Messrs. Whitty and Parlour promptly attended. They had, however, been preceded by John Hewitt, the superintendent of the fire-engines, who commenced a series of effective operations the moment of his arrival.

Traversing the ruins in every direction, he at length heard the cries of children almost immediately under the gable of the next house. With the assistance of a few men, he quickly dragged forth, from what appeared at first sight to be the very thickest of the ruins, a man, his wife, and three children, who had slept in the cellar, but of whom more anon. With the view of enforcing something like a system, Mr. Whitty ordered the fire-bell to be rung, and in an incredibly short space of time the firemen were on the spot. In a few minutes Hewitt, whose sense of hearing seemed to be acute to a degree most extraordinary, declared that he heard the moans of a person under the rubbish at the extreme end, where the workmen had not hitherto been employed. Their efforts were instantly directed to this spot, and at the depth of about a yard, a man was found alive, though he had been literally buried in dust and fragments of brick. A Mr. Scott, surgeon, who was on the spot, directed that a little water should be administered to him, which considerably revived him. Some time elapsed ere his arms

and legs could be extricated, and it was then found, that he was so much bruised, that it was deemed advisable to send him to the Infirmary. Immediately after this Mr. Parlour discovered another body a little higher up the ruins. It was instantly released, but on being pulled forth, it was found to be completely inanimate, having been crushed to death by the pressure of the superincumbent matter. In the meantime, Hewitt, having worked down about two feet in a particular spot, discovered a little boy alive, who, having been extricated, was sent to the infirmary. Scarcely had he been dragged forth, when Hewitt declared that there was another living being beneath the rubbish at a spot which he indicated. The men instantly commenced working downward at this point, and after great efforts, a female was taken out alive. While clearing the place for her exhumation, a bed was discovered, and from between it and the rubbish protruded the arm of a man, with the hand firmly clenched. In the hope that life might not have been entirely destroyed, he was extricated with the greatest speed, and every means used to resuscitate him, but in vain. During this operation a further search was made in the bed, when a female corpse was discovered, horribly mangled, and it was evident, from their relative positions, that they had perished together while fast asleep.

Almost immediately beneath the bed above mentioned, but a little to the right, and deeper in the ruins, the workmen came to another bed; and turning it over, a couple of aged men, evidently, from their worn and wasted ap-

pearance, in the last stage of poverty and decay, were found lifeless. In getting these out the workmen had for the time departed from their systematic plan of turning over all the rubbish as they proceeded. A momentary pause ensued, when Hewitt declared, that he heard a man moaning faintly between the ruins and the wall of the excavation. The first floor of the building had fallen diagonally, some of its joists being supported at one end by a piece of wall, and a great part of it having been preserved entire in the fall. On turning this over a man was found immediately under it. He was alive, and comparatively uninjured. At some depth below this, the body of a boy was found dead.

The occupants of the cellar, who were so miraculously preserved, were Michael Naughton, his wife, his son, and two daughters. Naughton said, that his son, Peter Naughton, a lad of about eleven years old, being rather unwell, had slept apart on a straw mattress with his mother. This mattress was placed on the floor of the cellar. Naughton himself had his two daughters in bed with him. In the morning he was suddenly awaked by his son screaming that the house was falling. Naughton sprung up, and instantly dragged both the mother and son into an arched vault, which was formerly under a portion of the shop. The two round spar-like beams, which supported the floor of the room above them, fell only at one end, exactly in the position of the shaft of a cart, when it is put down without the horse. These kept the falling materials above from descending upon the two children, till the

father could remove them to the vault. Had the woman and boy remained in their first position, they would have been crushed to death by the ends of the beams, which fell directly upon their bed.

The occupier of the house was one James Carlin. The front room he used as a shop, in which he vended greens, fruit, cakes, &c. The rooms, cellars, &c., he let nightly to hordes of Irish labourers, &c., whom he suffered to sleep to the number of, sometimes, ten or twelve in each apartment. The landlord of the house, seeing its dangerous state, had caused Carlin to be served with repeated notices to quit, all of which were unavailing. The danger was pointed out to him in strong terms, but in vain, and though himself and his wife escaped, yet his son, a boy aged about twelve years, perished. Six other individuals lost their lives by this accident.

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### MARCH.

1. MURDER BY A PRIEST.—At Dijon, a priest of the name of Delacollonge, was tried for the murder of Fanny Besson. The trial occupied four days.

The proceedings commenced with the examination of the prisoner. He admitted having received at his house other young women besides Fanny Besson, one of whom, in consequence of his having closed his door against her upon his hearing she was a bad character, had, on more occasions than one, insulted him in public, even at his church. He acknowledged that Fanny Besson visited him at his house several times, and

that she passed for his cousin. Sometimes she stopped with him a fortnight or three weeks; in 1884 she came in May, and remained two or three months. He took a lodging for her at Dijon to lie in, as she was pregnant, and afterwards took her back to his rectory. His servant girl knew of his connection with Fanny Besson, and told the mayor of St. Marie la Blanche of it. The prisoner then proceeded to give an account of the manner in which the death of the victim was occasioned, persisting that he had no intention to kill her. He was about to take her to Chalons, and had assisted her to pack up some of her effects. Being with her in her room, and both being very unhappy, the suicide of the two was talked of, when he, with her consent, pressed her neck closely with his two hands, as an experiment of the effect of strangulation. When he removed his hands she fell, and, seeing she was dying, he gave her absolution, and death ensued. He did not dare to call in his servant in this extremity, as he had great distrust of her. Feeling it necessary for his own sake, and for the honour of the deceased, to conceal her death, he reflected how he could dispose of the body, which he could not bury, as his garden was exposed to public view, and his cellar was too small. He first thought of burning it, but this seemed impracticable. He therefore ripped it up, took out the entrails, and threw them into the privy, and then cut the body to pieces; these pieces he first placed in a trunk, and subsequently took them out, and put them into a sack, in which he carried them out at night, and threw them into a pond. Although he placed a

tub under the body to catch the blood, the floor was covered with it, and he afterwards washed it up. When he made the first gash in the neck the blood squirted into his face. The instruments used were a bill and a knife. He sat down to table, but could not eat. He acknowledged that he shot some birds the next day in company with a schoolmaster, and on the second day after, celebrated mass. When he knew that the body had been discovered, he fled, going first to the lodging of a girl named Rippet, at Lyons, and thence to Geneva, but not wishing to avoid justice, he returned to France, and was arrested.

The examination of the witnesses was then proceeded with.

Two physicians and an accoucheur of Dijon, who attended Fanny Besson during her pregnancy and her accouchement, deposed to the prisoner's having represented her to be his sister. The child died.

Madame Valot, at whose house the deceased lodged at Dijon, stated, that Fanny Besson told her that her husband had fled for a political offence, and she had no friend but her brother (the prisoner). The deceased was mild, modest, and very religious.

The midwife and her servant spoke to the remarkable attention and tenderness shown by the prisoner to the deceased.

Jeanne Poupon was washing some linen at the pond when she found a sack, she drew it towards her, and, upon opening it, a leg fell out. She went and informed the mayor.

M. Poupon, mayor of St. Marie la Blanche, deposed to having spoken to the prisoner several times about the scandal arising

out of his cousin's being at the rectory, and she was sent away.

Witnesses proved the finding of the mangled remains of the deceased.

Francoise Bourgeoise, servant of the prisoner, made a deposition which astonished the whole Court, after the statement of the latter that he mistrusted her. She admitted that Fanny Besson used to come to the rectory, but maintained that she never observed any thing that could lead her to suppose that other relations existed between her and her master than those of mere friends. She always considered her as his relation. When the prisoner told her of the pregnancy, she promised to keep it a secret. When she informed the mayor that Fanny Besson was at the rectory, it was to prevent scandal. The edges of the bill and the knife might have been blunted by herself, as she used them for cutting wood. The witness then went on to give the prisoner a most excellent character for mildness and humanity. She did not believe that he committed the crime. Such a man never could have done it. The President observed to the witness that she had perjured herself, as her present testimony was in direct variance with the avowals of the prisoner, and even with her own previous declarations. The witness also declared, that although she went to the house of the prisoner's brother after the finding of the body of Fanny Besson, she never mentioned the circumstance to him.

M. Alexandre, schoolmaster at St. Marie la Blanche, saw the prisoner on the 26th of August. He appeared perfectly unconcerned, and took witness's gun, and fired at some birds.

The jury retired, and soon after returned a verdict of "Wilful Murder, but without premeditation." The Court, in consequence, condemned the prisoner to hard labour at the hulks for life, and to stand in the pillory. The verdict of the jury excited strong murmurs among the auditory. The prisoner, on hearing the sentence, fell down, and when he left the Court was obliged to be supported by gendarmes.

**DISCOVERY OF AN ENGLISH-MAN WHO HAD RESIDED FOR THIRTY-THREE YEARS AMONG THE SAVAGES AT PORT PHILIP.**—*From the Van Dieman's Land Magazine.*—Mr. Batman, and some others had removed from Van Dieman's Land, to Port Philip, on the coast of New South Wales, with the intention of establishing themselves there as settlers and sheep farmers. Soon after their arrival they were struck by the stately gait of the natives, by the colour of many, and the European countenances of some individuals, and by the comparative civilization which prevailed among them. Rude embankments, with tolerable stone facings, were found in parts constructed across creeks and inlets, with convenient sluices, for the purpose of catching fish at the fall of the tide. Several of the bark-shelters, or wigwams, were formed in a superior and comfortable manner, tolerably well thatched, with a narrow opening for the doorway, and a fire-place in front. Pieces of wood were hollowed or scooped out to serve as calabashes or buckets to carry water, and the dresses of kangaroo skins were neatly joined together with regular stitches, and cut away so as to form a convenient vesture. The

settlers, however, had not been many days in their new position, when these and various other indications of ingenuity were satisfactorily explained by the appearance of a white man, clothed in a kangaroo-skin cloak. He was at first rather timid in his approaches, but when spoken to kindly, and offered a piece of bread, he threw off his reserve, and after eating the bread with apparent relish, and looking at it as if endeavouring to bring something to his recollection, he exclaimed, with symptoms of delight, "Bread!" Other English words soon returned to his memory, and he was at last enabled to communicate, that his name was William Buckley; that he had been one of those who escaped from the encampment of the prisoners carried out by the ship *Ocean*, which was formed by the late Colonel Collins in attempting, agreeably to the instructions of the British Government, to form a settlement at Port Philip in 1803; that he had lived ever since with the tribe of the aborigines, whom he then met with in the bush, and over whom he had long exercised the rule of a chief. He is a very tall man, having served as a grenadier in Holland under the late Duke of York, is from fifty-eight to sixty years of age, and in excellent health. Through the assistance of the new settlers, he forwarded a petition to the lieutenant-governor, praying for a pardon. This his excellency granted, expressing at the same time the expectation, that he would do all in his power to maintain an amicable intercourse between the aborigines and the whites. Two other prisoners from the *Ocean* absconded with him, but he had

never seen or heard of them since the end of the first twelvemonth, when he joined the natives.

16. Bow-street.—Yesterday Mr. John O'Connell, M.P., accompanied by his brother, Mr. Maurice O'Connell, M.P., his brother-in-law, Mr. C. Fitzsimon, M.P., and Mr. Morgan John O'Connell, M.P., attended before Sir F. Roe and Mr. Halls, to answer a charge of assault preferred against him by Henry O'Connell.

The complainant was then sworn, and deposed as follows:—My name is Henry O'Connell. I am seventeen years of age, and I live with my mother, at No. 5, Tavistock-court, Covent-garden. I was walking with my mother on the right hand side of Cavendish-street, Cavendish-square, on Sunday morning last; about ten o'clock; my father, Mr. Daniel O'Connell, and Mr. John O'Connell were walking arm-in-arm on the other side of the street, going, as I suppose, to the chapel in Spanish-place, when suddenly Mr. John O'Connell, without any provocation whatever on my part, let go his father's arm; and, crossing over to me, tore my cloak, dragged me along the pavement, and in the mean while beat me with his umbrella. My father, Mr. O'Connell, then came across, and said, "Don't strike him any more, John." He then took his father's arm, and they both walked away, and my mother and I went away also.

Mr. Halls.—That is the charge against you, Sir. What is your answer to it?

Mr. J. O'Connell.—On Sunday morning last I left Langham-place, where I reside, in company with my father, for the purpose, as the lad has stated, of going to

mass. After we had proceeded along the street about 100 yards from home, this boy followed us, and said something to my father, the purport of which I did not hear, being on the other side. Not having seen the boy before, I did not know who he was, but my father seemed a good deal excited, and told him repeatedly to go away, but he still kept following us and annoying my father.

Mr. Halls.—He was then on the same side of the way that you were?

Mr. J. O'Connell.—Yes; but this occurred in Portland-place, before we reached Cavendish-street. I told the boy to go away. He drew back; and, as I thought, left us, and my father and I proceeded some distance along Cavendish-street. I do not think that any conversation took place between my father and me in that interval, but if there did, it was, that my father complained of his having been annoyed and dogged by this boy for several Sunday mornings on his way to chapel. My father, however, appeared exceedingly irritated; and, observing the boy again on the other side of the way in Cavendish-street, walking in the same direction that we were going, he pointed him out to me and said, "There he is again." I then let go my father's arm, and went across the street, and asked the boy what he meant by following us in this way? He replied, "I will follow my father in spite of you." I then took hold of his cloak and pushed him from me, and having an umbrella in my other hand, I freely admit, that I did strike him with it two or three times; but the blows were very slight, and could not have hurt him much. In fact, I

used the umbrella more to push him off than anything else. My father then came over and said, "Don't strike the boy, John." I then took his arm again, and we went away. Mr. Halls.—You crossed over, then, to the other side of the street, where the complainant was walking? Mr. J. O'Connell.—I certainly did, seeing that he was still following us, and that my father was exceedingly annoyed at the circumstance. Sir F. Roe.—You say you had previously told the boy to go away, but that he refused to do so, and still kept following you? Mr. J. O'Connell.—Yes; I had repeatedly told him to go away, and I thought he had done so, but he kept dogging us still when we got into Cavendish-street. Sir F. Roe.—What distance had you got before you observed him again? Mr. J. O'Connell.—We had got half way down Cavendish-street, when we saw him the second time.

The complainant said, "My mother and I are suffering the greatest distress, and who are we to apply to for relief if not to my father?" Mr. Halls.—I have nothing to do with that. If you consider you have any claim on Mr. O'Connell, there are legal and proper modes of redress, of which you can avail yourself; but following him through the streets is not the way to obtain your object. Complainant.—On the Sunday previous I met Mr. O'Connell, and he walked with me and spoke very kindly to me, and told me that I ought to go back to Ireland; but how am I to go without money?

The magistrates consulted for a few minutes, and Mr. Halls then told Mr. John O'Connell, that the assault being proved

against him, he was fined in the sum of 20s. and costs.

Mr. Fitzsimon then came forward and said—As the case is now decided, I wish to know from the magistrates, on the part of Mr. O'Connell, sen., whether he is still to be subject to the annoyance of being followed through the streets by this boy? That he has been so annoyed can be proved; and, indeed, the evidence just gone into proves the fact. I therefore wish to know, on his behalf, whether some steps may not be taken to prevent a recurrence of such annoyance? Sir F. Roe.—Do you make the application as Mr. O'Connell's solicitor? Mr. Fitzsimon.—No; but merely as a relative of the family. Sir F. Roe.—Then I am afraid we cannot hear you. Mr. Fitzsimon.—It is a fresh application which I wish to make. You have stated the law most correctly as regards the assault, and Mr. John O'Connell of course bows to your decision. On that subject, therefore, neither he nor I have anything to say, but I do hope, that you, as magistrates, will devise some means by which the annoyance, to which Mr. O'Connell has been subjected for years, may be put a stop to. Mr. Halls.—As you are not Mr. O'Connell's solicitor, we cannot entertain the application. Sir F. Roe.—It must come either from Mr. O'Connell himself or his solicitor. Mr. Fitzsimon.—There is no one more willing than I to bow to the decision of the magistrates: but this annoyance has so often occurred, that it is time it should be put an end to. Mr. O'Connell denies most distinctly that there was any ground for such annoyance, or for the statements which have been

made; and I hope, after what has occurred, that the annoyance will not be repeated, and that it will not be necessary for him to adopt measures to put an end to it.

Miss Courtney, the complainant's mother, who wished to be heard several times during the inquiry, but was prevented by the magistrates, here exclaimed, "It is Mr. O'Connell's own fault that he suffers any annoyance. Both his son and I are starving and destitute, and he refuses to give us anything for our support. I have in vain endeavoured to come to some settlement with him; but, although major Macnamara was appointed to arrange the matter, nothing has yet been done. Had an arrangement been made, this unfortunate affair would not have occurred."

Mr. Halls.—The matter is now ended: let the lady retire.

Miss Courtney and her son then left the office, and Mr. John O'Connell having paid the fine and costs, retired, accompanied by his relatives and friends.

It was a subject of general remark, that the lad who appeared as complainant bore a striking resemblance to Mr. Daniel O'Connell, whose son he claims to be.

17. **NAIRN v. CHANCELLOR AND ANOTHER.**—This was an action of false imprisonment, by William Nairn, of East Grinstead, esq., against Chancellor and Mummery, two constables and officers appointed under the local act for the management of Margate harbour.

The local act 7 George IV., c. 31, sec. 4, provided that when a flag should be hoisted at each end of the landing-place or jetty, such flags should be signals that passengers were to land or embark,

and should be taken for a warning for all persons to depart; and in case any person should remain, having been desired by an officer to depart, he should forfeit any sum not exceeding 3*l.*; and it should be lawful for the constable to take the party into custody, and carry him before a justice of peace. For the plaintiff, Mr. Gilbertson, a magistrate at Hertford, stated, that on the 24th of June he went down to the jetty, as it was low-water, and he expected a friend by the steam boat, but was stopped, and was told he could not go down. Saw the plaintiff remonstrating with Chancellor; when Chancellor said, "Take this man into custody." Witness said, "If this is the case, I had better go myself." Plaintiff was taken to the droit-house at the end of the pier. He then said, "What am I here for?" A man said, "Mr. Chancellor would soon tell him." Chancellor soon came in, and plaintiff asked him, "was he to be detained there?" "Yes, until you pay the fine." Plaintiff: "What fine?" Chancellor: "You have incurred the penalty of 3*l.*" Plaintiff then gave a 5*l.* note and received two sovereigns in change, and Chancellor gave a receipt for the 3*l.*, which witness attested, and said, "I am sure, Mr. Chancellor, you are in the wrong." Chancellor said "he was not to be frightened; he had settled many affairs like that before." Witness said, "He must be wrong, for he had no authority to act." Chancellor brought a printed board. Witness said, "You cannot inflict a penalty yourself without taking him before a magistrate;" and pointed out to him that the board stated, "Upon conviction."

Mr. Platt, for the defendants, alleged, that the plaintiff was repeatedly warned to go away, and the money, 3*l.*, was accepted as a deposit, and in kindness to the plaintiff, who otherwise must have remained in custody. It was clear the officer could not fine, but he would have been justified in detaining the plaintiff in custody, and was only safe in releasing him by accepting the full deposit. The case was afterwards heard, and the plaintiff was found to be in the wrong, and convicted, and fined 2*s.* 6*d.*

John Bristow: Was on duty at the jetty on the 24th of June. There is an upper and a lower pier. Near the droit-house there is an archway by which you pass to go under the jetty, which is about 1,100 or 1,200 feet long, and about twenty-seven feet broad in some, and thirteen feet in other parts. At low-water, when the jetty is used for landing passengers, it is the custom to moor the packets near the broad part. Notice is suspended under the archway, and a notice board on each side, and one at the further end—four in all. A quarter before four I was at the jetty, in a blue jacket with red collar and cuff, and glazed hat, with “Margate Pier and Harbour Company” on it, and a staff. Both the flags were up; hoisted the flag, and it was then his duty to request people to go from the landing-place. Many persons were there. Part of them retired. Requested several to go, and they went off. Plaintiff was standing at the broad end, where the packet would be going. Asked plaintiff twice to retire from the landing place. He made no answer. Told him he would incur a penalty of 3*l.* Dawson was there.

He was also a special constable. Spoke to Dawson, and Dawson spoke to plaintiff twice. On the 27th of June served the summons on plaintiff. Attended hearing before the magistrate, Mr. Nethersole, on the 30th. Plaintiff and defendant were present. Chancellor offered the 3*l.*, but plaintiff said, “You have fined me the 3*l.* and I will not take it.”

W. Nethersole, esq., magistrate for the Cinque Ports: Chancellor said, “Here is your 3*l.* or your deposit,” I do not know which. He refused it, and witness’s impression was, that plaintiff had not understood that the 3*l.* had been taken as a deposit.

Lord Chief Justice Tindal: The plaintiff, after being warned, would not quit the pier. He therefore infringed the act, and the defendants were justified in taking him into custody; but then the question arose whether the 3*l.* was exacted as a deposit or fine, or paid by the plaintiff voluntarily; if as a deposit or fine, it was taken illegally, and the defendants were guilty of a trespass; but if the plaintiff paid it voluntarily, and not as a fine or deposit, in order to avoid being taken immediately before the magistrates, then he had nothing to complain of. The jury retired for a quarter of an hour, and found a verdict for the plaintiff—damages 25*l.*

DIVORCE. — The duchess of Otranto sued her husband for separation of person and property, before the Tribunal de Première Instance. M. Dupin, advocate for the duchess, stated, that for four years the duke had only dined and slept in his hotel upon one occasion; that, in 1832, during six weeks that the duchess was attacked with a malady that en-

dangered her life, he never once enquired after her health. That on the 14th of July, 1835, the anniversary of their marriage, the duke disappeared from his hotel, taking with him, secretly, all his plate, &c., leaving only twelve covers for his wife, without writing a single line to her upon the subject, and taking with him a female named Adelaide Verot, with whom he had lived for a long time, and whom in his passport for England, he styled by the title of wife; that, under the name of De Torcy, he took a passport, and lived with this female whom he passed for his wife, at Cherbourg, and there received packets of valuable effects, jewels, plate, &c., from Paris; that he afterwards passed over to Guernsey, and there lived with a woman under the name of M. and Madame de Torcy; and that his intention was to embark for New Orleans in the ensuing spring. No advocate appeared for the duke of Otranto, and the tribunal having heard the opinion of the king's advocate, gave the following decree:—"Seeing that the abandonment of the duchess of Otranto by her husband has been proved—that the circumstances which have preceded, accompanied, and followed this abandonment, constitute a serious injury—the court declares the duchess of Otranto to be separated in person and property from her husband, orders that liquidation of sums due to her shall be made, and condemns the duke of Otranto to pay her an annuity of 40,000 francs."

**23. CORONER'S INQUEST.—DISCOVERY OF GOLD COIN AT GREAT STANMORE.**—A coroner's inquest was holden at Great Stanmore, to inquire touching the discovery of treasure in foreign golden

coin which was found in a field, on the side of a ditch on the 24th and 26th of January last, and which field was a portion of the glebe land, at present in the possession of the rector, the rev. Dr. Arthur Robinson Chauvell. Mr. Stirling, on the part of the king, attended to compel restitution of the property from those who had any part of it.

The inquiry originated not from any direct interference on the part of the king, but in consequence of memorials having been forwarded to the treasury, by the different parties claiming the right of possession. The money was first found on Saturday the 24th of January, by two men named Jeffkins, coachman, and Reeves, gardener, in the service of the rector, and consisted of 365 pieces of golden foreign coin, among which were Louis d'ors of the reign of Louis XVIII., Napoleons, Pagodas, Spanish doubloons, &c., the estimated value in British money being 382*l.* 15*s.* 6*d.* The men divided the money equally between them. The coachman did not mention a word to his wife about the matter, but Reeves did; and the next day, from some motive, he brought his share of the money to Jeffkins to take care of for him; he put it along with his own, which he had previously deposited in some concealed place. In the course of that day, however, Reeves's wife found an opportunity to communicate with Jeffkins's wife, and related to her that her husband was in possession of a large quantity of gold: upon ascertaining which, she compelled her husband to shew it to her. She saw it, and was directed not to mention a word about their

good fortune, which she promised to do. However, on seeing her mistress, she informed her of the discovery, and Mrs. Chauvell expressed a desire to see the coin. The next day, unknown to her husband, Jeffkins's wife laid the whole of the money on the table before Mrs. Chauvell, who told her servant to leave it there, as it belonged to the rector, in right of the glebe land. Between that day and the time when the king's mandate was issued, the treasury had been memorialised by the rev. Gentleman, by Jeffkins and Reeves, and by other parties, in consequence of which the lords of the treasury came to the determination of applying for the present investigation. It is recollected by many of the inhabitants of Great Stanmore, that about 18 years ago, a foreigner visited their village, who used to walk about the fields, and was often met in lonely places in deep abstraction of mind. After having been there some weeks he suddenly left, and was never seen or heard of again. In less than two years after, a person came, and for some days was seen wandering about the field in which the money was placed. He at length communicated with a woman, and inquired if there was any one in the village who had lately become enriched by the possession of a large sum of money, and mentioned that there were some thousands of pounds in gold coin deposited in a field. He said, that a foreigner had lived there some months before; that the person had since died, and on his death-bed gave him a plan of the field where the money lay, but that he had not been able to find it out. For some days after this the man was accompanied over

the field by various persons, when, not being able to find the money, he left. It appeared, that almost immediately after the foreigner went away, a great alteration took place in the field, by order of the surveyor. At the spot where the money was placed, which was between two ash trees, on the side of a ditch, a watercourse had been formed and the two trees had been cut down, so that the plan was entirely altered. In the course of years, the water washed away the earth till at length it exposed the money.

The following witnesses were called:—

The rev. Arthur Robinson Chauvell deposed that he was rector of Great Stanmore. In January last, Jeffkins and Reeves were in his service. On the 26th of that month, in consequence of information that a large quantity of money had been discovered on a section of his glebe land, he proceeded to the field early in the morning, and found about forty men and women scrambling about the bank. Witness recommended them to do that which was right. [The money (bullion) which witness possessed was placed on the table before the coroner.]

Mr. George Watlington, recorder of St. Alban's, No. 45, Bedford-place. — He was present on the 26th January at his brother's, who produced the coin, which was deposited in witness's banker's hands.

James Jeffkins, coachman to the rev. Mr. Chauvell, sworn.— About the latter end of December, he and Reeves, the gardener, were digging by the ditch, when they saw two pieces of gold coin in the water-course. They took them home, and gave each one to their

children. On the 24th January they were there again, when they observed a large quantity of various goldcoins sticking out of the mould. Witness called Reeves, when they took the whole of them away. There were about 380 pieces; they divided them equally between them, and each took his share home, and the next day, Reeves brought his share to witness for him to take care of, when witness put it with his own under the coverlid of the bed. They never found any more. The rev. Mr. Chauvell had the money. They were not present on the Monday when the men were digging. They found no box nor bag.

Mr. James Phillip Bult, 86, Cheapside, dealer in bullion, deposed that, on the 26th January, he bought of a man with one arm, about one hundred and forty-five foreign pieces of coin, which, in two lots, weighed 31oz. 14dwts., and 2oz. 14dwts.: he gave for them 130*l*. He did not know the man.

Thomas Fox, a man having one arm, said, he and a party of men, on Monday, went with axes to dig at the ditch. Weedon first struck a tin box, which was found to contain a large quantity of gold. He, witness, took out handfuls, and others did the same, when the whole body rushed upon him, and he was almost killed. He agreed to divide the money equally for the sake of his life. He had spent all he had.

Mr. John Wilson, carpenter, Great Stanmore, stated, that he was there on the Monday morning, about nine o'clock, and saw nearly forty men and women. On the money being discovered there was a great rush, and the ditch

was instantly filled with men, women, and children, one upon another, six deep. The shrieks were dreadful; when on hearing the cries of murder, and fearful that some lives would be lost, witness proposed that the money should be divided equally. Those underneath said, they would agree to that. Witness was appointed to distribute the money, when each had eleven pieces. Witness had his share of that division. He had, however, previously obtained another quantity, for which he obtained in money from Mr. Clutterbuck a check for 24*l*. 10*s*. He also gave two pieces to Mr. Mortimer, the occupier of the field, and who is tenant to the rector. The witness gave up thirteen pieces and the check for 24*l*. 10*s*.

Mr. John Weedon, brickmaker, obtained sixty-five pieces, for which he obtained 127*l*. odd, with which he paid his debts. He gave several pieces away.

Several other witnesses were examined, who stated, that they had obtained money for the coins, and that they had spent it.

Mr. George Walford, in the employ of Messrs. Makepiece, gold-refiners, Serle-street, upon being called by Mr. Maule to value the coin, weighed it and valued it according to the present rate of exchange. There were 382 pieces, which weighed 123ozs. 5dwts. 4 grains, which were valued at 407*l*. 5*s*. 6*d*.

The coroner summed up. He said that the money had been deposited by some person or persons unknown; and as no one appeared to own it, it belonged to the crown.

The jury retired, and in a few

minutes returned into the inquest-room, to have the evidence explained of Jeffkins and Reeves, in reference to the manner the coins were seen by them.

Jeffkins upon being recalled, said, that the money was sticking out of the side of the ditch, quite exposed. He told Reeves of it, when witness took out fourteen pieces. He then put his hand beneath the heap, and they all fell out. The hole in which they were laid appeared as if it was made by a basin. There was no bag nor paper in the hole.

Reeves said, that they were walking by the side of the ditch when they saw the money laying. They had not been digging.

The jury returned a verdict of "Treasure trove," only upon that which was dug out on the Monday, the 26th of January.

It is calculated that near 4,000*l.* had been taken from the ditch.

26. **DESTRUCTIVE FIRE IN BOND-STREET AND BURLINGTON-ARCADE.** — About half-past ten o'clock at night, the neighbourhood of Old Bond-street was thrown into a state of the utmost consternation and alarm by the spring of rattles, and cries of "fire!" which proceeded from the house of Mr. Absolon, military clothier, No. 12 in that street, within two doors of the Western Exchange. On the doors being opened, it was found, that the back room on the first floor was on fire; and so rapid was the progress of the conflagration, that in less than ten minutes the whole of the upper part of the House was in flames. Within five minutes after the alarm had been given, the St. James's parish engine was brought to the spot, closely fol-

lowed by those belonging to the County Fire-office, and the St. George's parish engine, but for at least twenty minutes not a drop of water was to be procured. The fire then communicated to the north-western wing of the Western Exchange, and in a few minutes the whole of that splendid bazaar was one body of fire. In a short time the flames made their appearance through the upper windows of a pastrycook's shop, kept by Mrs. Blackman, 14, Burlington Arcade, which has a communication with the Western Exchange. The scene at that moment in the Arcade was beyond description; nearly the whole of the inmates running about in a state of distraction, while policemen and strangers were removing their goods. From Mrs. Blackman's the flames soon communicated to a hosier's shop, Nos. 58 and 59, on the opposite side of the Arcade, which, in a few minutes, were enwrapped in flames. About that time the hoses of two engines were brought up the Arcade from Piccadilly; but they were entirely useless, there not being a drop of water to be procured on that side of the fire, which soon communicated to Nos. 12 and 13, in the occupation of Mr. Perry, late Macalpine's the peruquier, and to Nos. 16 and 17 on the one side, and to a toy warehouse, Nos. 60 and 61, on the other side of the Arcade, the whole of which houses were, in a very short time, reduced to a heap of ruins. The heat in the Arcade was almost unbearable, the centre appearing like a vast furnace, and in a short time Nos. 56 and 57 were added to the list of the buildings on fire. At that moment the branch of an engine belonging to the London

Fire Engine Establishment, which had been drawn into the grounds attached to Burlington-house, and set to work from a tank in the centre of the garden, was carried over the high wall separating the Arcade from the earl of Burlington's grounds, and was of essential service in covering a party of the fire brigade, who, under the directions of Mr. Braidwood, their superintendent, were, with their pole-axes, cutting off the communication between the burning buildings and the southern portion of the Arcade. About the same time the branch of another engine belonging to the same establishment was brought to bear (from Bond-street) on the houses on the other side of the Arcade; and, in a few minutes afterwards, the engines in Piccadilly, after standing idle for upwards of an hour, procured a supply of water, which was then poured in immense streams on the fire, which had previously extended to Nos. 10 and 11 on the one side, and to Nos. 62 and 63 on the other side. At that time there were nearly twenty engines at work; and the united exertions of the firemen were crowned with success, the flames having by one o'clock been sufficiently subdued to allay all fears for the safety of the other houses. The destruction of property was immense. Scarcely any of the valuable articles belonging to the unfortunate individuals occupying the stands in the Western Exchange was saved; and the furniture &c., removed from the houses in the Arcade, was rendered almost useless, the greater part of it having been thrown from the upper windows.

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## APRIL.

1. LOSS OF THE SHIP EDINBURGH. — The ship Edinburgh, laden principally with wool, and bound to Liverpool, left Sydney roads on the morning of the 18th of March, manned with a crew of twelve persons, including the captain. There were also two cabin passengers on board. After having been at sea for twelve days she was discovered to be on fire, produced by the ignition of the wool. All attempts to save the vessel and cargo proving hopeless, the captain ordered the long-boat to be got ready, into which the crew and passengers immediately hastened, taking with them a chronometer, sextant, and chart; they also provided themselves with two casks of water, a quantity of biscuit, and sixteen or eighteen pieces of pork. The fore-topmast stay-sail was cut down to rig the boat, and a studding sail-boom served for a mast. The crew clung to the burning vessel up to the last moment they could do so with safety. When they took to the boat, the flames had appeared above deck, bursting from the aft hatches, and spreading in all directions over the ship. At this time the sea was getting high, and the wind blowing fresh. When about three miles astern of the burning ship they saw her main and mizen masts go overboard about the same time. She gradually burnt down to the water's edge, as she receded from the boat towards the verge of the horizon. The crew on board of the boat fared tolerably well from the day of the calamity until the 3rd of April. They had two meals a-day, each meal consisting of one half pint of water, a biscuit, and a small slice of pork. Up to this

time the weather was moderately calm. On the 3rd of April, however, a sudden change took place, a heavy gale succeeded, the sea broke over the boat with tremendous violence and filled her. When by great exertion they got the boat righted again, they found that the whole of their stock of bread had been saturated with the salt water, and rendered unfit for use. After a variety of hair-breadth escapes, which are detailed in the Sydney papers with great minuteness, and one of which was an adventure with a huge shark, which they succeeded in capturing, and found its carcase very acceptable food after a long confinement to salt provisions, they reached a place called Woolongong, near Sydney, their numbers undiminished, after having been exposed in an open boat to the mercy of the elements for the period of fourteen days and a-half.

6. MORISON'S PILLS. — *Central Criminal Court.* — Robert Salmon, a respectable-looking middle-aged man, was put to the bar, charged with having caused the death of John M'Kenzie by having administered to him, on the 20th of January, and at other times, large and excessive quantities of pills composed of portions of gamboge, cream of tartar, and other articles of a noxious, destructive, and deleterious description, he having no knowledge of medicine, and having no licence to sell or administer such medicine.

There were other counts in the indictment varying the charge against the prisoner.

Anne M'Kenzie, deposed she was the widow of the deceased John M'Kenzie; he was thirty-two when he died. He was a

man of good constitution. She knew a Miss Lane, who was doing needlework at her house in December last. She told witness she sold Morison's pills. Witness's husband was very much against them at first; but he said towards the end of December, he would take them as an opening medicine; but at that time he never exceeded four; he had then no complaint. He said, after taking them, that they had made him light. In January he had a rheumatic attack in the knee. In the latter end of December prisoner called at her house and asked for captain M'Kenzie her husband. He said he came from Miss Lane, and putting down a card, said he lived at No. 6, Farringdon-street. He asked her what was the matter with her husband, and she said, nothing that she knew of. Her husband was then as stout healthy a man as could be seen in a day's walk. In a day or two the prisoner called and saw her husband; she heard what passed. He told the deceased that he was not to take No. 2 pills without also taking the No. 1 pills. The prisoner said, "I am told you were much prejudiced against the pills at first, but they cure all diseases, and do a great deal of good." Her husband said, he had bought an 11s. package at the "College of Health" to take out with him to the West Indies. Salmon went away, and did not call again until the middle of January, when her husband had a pain in his knee. Prisoner said he had seen Miss Lane, who had been informed by witness's little girl what was the matter with the deceased. She told him that Miss Lane ought not to have taken it upon her to send him, as they did not want him. In a few

days the pain increased, and, by her husband's desire, Salmon was sent for. He came on Wednesday, January 20th, and before he went, ordered her to give the deceased twenty of No. 1, of Morison's pills that night, and twenty of No. 2 on the following morning, "to drive off the No. 1's;" she gave her husband that night ten of the No. 1, and ten of the No. 2. on the following morning. Prisoner called in the early part of next day, and asked her if she had given her husband the proper number, and she said "yes." He told her that she was to increase five at every dose, which was to be administered night and morning. She did not tell him that she had administered only half the quantity he had ordered. Prisoner called every day but Saturday. She never gave deceased the full quantity ordered, but always a great deal less, and Salmon said he doubted her very much. She sometimes gave him fifteen or twenty at a time; sometimes none at night; but she always gave him some in the morning. They affected his bowels very much, and frequently caused him to vomit. On the Sunday his bowels were much irritated, and he said he feared there was something the matter with him worse than his knee. Salmon called late on Monday. When she told him how the deceased was affected, he said she had not been giving him doses enough, and had given him too much food. He said the fever would feed her husband without any food. Her husband was then so weak that he could hardly rise from his bed. Prisoner told her to give him hot water and salt, and ordered more pills, telling her to go on increasing each dose by five. He called on Tuesday, and

on her telling him that her husband was very ill, he said she had not given him sufficient doses, and added that she was alarming herself without any cause, and that if she would only give him the proper doses, he would be well in a day or two. The purgative effect increased with the increase of pills, and on Tuesday night, her husband became quite delirious. Mr. Cummings, a medical man, was called in on Wednesday. Salmon called twice on that day. The first call was after Mr. Cummings had left. Mr. Cummings had not administered any medicine to deceased on that day. Her husband was at the time quite delirious. Prisoner told her to give deceased twenty-five pills that night, as they would compose him to sleep, and he would be better in the morning. He called again about ten o'clock at night. She was crying near the bed, and he said she had no cause of alarm as her husband was doing well. She told him that a medical man had seen him, and said he was in a very dangerous state. He said, if he saw a medical man near the bed, he would put him out of the house. He then administered twenty-five pills to the deceased, saying he doubted her. He told her to give him thirty or thirty-six of No. 2, in the morning. She did not do so, but gave him about twenty. They operated as a violent purgative, and frequently. He came on Thursday, and she told him, as she had always done, the state in which she conceived her husband to be, and he ordered more pills, and asked to see the pill-box. It was empty, her husband having taken the whole 11s. package, which had been purchased from Miss Lane.

He said he would call upon Miss Lane and order some more pills. She said he was ordered not to take any more, and prisoner said he would give him 100 at a time, if he thought he wanted them. She said her husband was getting very thin, and he replied, "I must take off the flesh before I can raise him up." He added, that the deceased would rise up a new man, and she said she should like to see him rise up the man he was before. He ordered her to give him thirty-five pills at three o'clock on that day. She told him that her husband could not take them, as he was continually throwing them up and throwing up blood also. He repeated his orders, and said he would have them sent. Miss Lane called about three o'clock, and brought a box of pills, which she said were "Morison's," and also a box of powders, for both of which witness paid 13s. 4d. Some brandy and water was offered to deceased, but he could not take it. Prisoner called next day about ten, and had two powders (about two table-spoonfulls) in paper. He mixed them in some water; one was darker than the other. She asked him what it was, and he said it was pills pounded. He desired her to raise up her husband, which she did; he was then very weak, and could hardly move. (Here the witness became much affected.) The prisoner then put the cup to the mouth of the deceased, and he swallowed the contents. Prisoner went down stairs and saw a Mr. Gray. She went down also, but on her return up stairs she found the deceased had thrown up what he had taken, and a quantity of blood also. She sent for prisoner, who, on coming up, said, "As there

is always straggling blood inside, don't alarm yourself." Her husband said, "My dear, it is poison; he has poisoned me." On prisoner's going down stairs, Mr. Gray asked him if he was a medical gentleman, and he said "Yes." Mr. Gray asked to see his certificate, and prisoner said it was not usual for medical men to carry their diplomas about them. He asked him if he was enrolled as a surgeon, and he said he was. Mr. Gray said he was not treating Captain M'Kenzie properly, and asked him where he lived, to which he answered, "In the city," and went away. Mr. Gray then went for Mr. Cummings, the surgeon. Prisoner called again in the evening. Her husband had given orders not to let him see him, but he ultimately did go up stairs. Her husband said to prisoner, "Go out; you will be paid for your trouble, but you have poisoned me—you have poisoned me right out." She told prisoner that a doctor was to call next day, and he replied, her husband was doing well, and that she need not call in a doctor. She told him that one had been in already. To which he replied, "You are not so much to blame as your friends, who are alarming you needlessly." She expressed her own alarm, upon which the prisoner seemed himself much agitated and alarmed. He said he would call next day, and bring a medical man with him. A Captain Allen and Mr. Gray came in and asked prisoner a great many questions, and he always represented himself as a medical man. Deceased continued getting worse and worse. Prisoner called next day, and brought a Dr. Lynch, but she would not let them see her husband. This was on the Satur-

day. On that night, about twelve o'clock, her husband changed and became cold all over; he continued getting worse until three o'clock on Monday morning, when he expired. He had received no medicine from the doctors.

Cross-examined by Sir F. Pollock.—She had known her husband all her life; they were school-fellows. He had been at sea since he was eight years of age. He never took any medicine but senna and seidlitz powders. He had had a fever two years since in Jamaica, and had taken a good deal of mercury.

Henry Trimbeay Gray, a rope-maker, living in the Commercial-road, had known the deceased more than two years. He was a robust healthy man. He (witness) was sent for to his house on the 26th of January, and found him in bed delirious. Witness went for Mr. Cummings, whom he informed of the treatment deceased was receiving. Mr. Cummings saw him, and gave some advice. On Friday, the 26th of January, he saw prisoner, and accompanied him to the bed room of the deceased. Prisoner said nothing, but looked at M'Kenzie and then at witness. He asked the prisoner, on his coming down stairs, what he thought of the patient, and he said he was getting better. Witness said he differed with him, and asked for what disorder he was doctoring him, to which he replied that the medicine he was taking would eradicate all diseases, and he would be a better man than ever. He added that he administered the pills to his wife and children. He asked whether he was aware that he was administering medicine to a man of unsound mind; he said no, and referred

to Mrs. M'Kenzie, who said her husband was certainly out of his mind, upon which the prisoner said he (deceased) might be a little light-headed, but it was of no consequence, and went away. Witness then went to the room of the deceased, and found him much worse. In the evening at 8 o'clock he called, with Captain Allen, and saw Salmon in the parlour. [Witness here corroborated the testimony of the last witness, as to the prisoner's assertion that he was a surgeon, &c.] After prisoner went away, witness saw deceased as late as 10 o'clock on Friday night; he appeared to be sinking fast, but was quite sensible.

Thomas Daniel Allen, a captain in the merchant service, had known the deceased nine years: he had always known him as a man of temperate habits. He corroborated the testimony of Mr. Gray, as to prisoner's saying he was a surgeon, &c. He heard prisoner complain, that the deceased's friends were crossing him in his treatment of the deceased. Witness refused to allow prisoner to go up stairs, and then he said, "Another dose would do him." He said he must call next day with Dr. Lynch, which he did, but they did not see the deceased.

Cross-examined.—There was an appointment between prisoner and Dr. Lynch, and Dr. Cobb, and Mr. Cummings for the next day at one o'clock. Salmon, the prisoner, on that occasion earnestly pressed, that Dr. Lynch should be allowed to go up stairs to see the deceased.

Mr. Edward Spinks Cummings, surgeon and apothecary, described the situation in which he found the deceased, in a man-

ner which corroborated the testimony of the other witnesses as far as concerned him. The deceased could scarcely breathe, and spoke with difficulty. He told witness how he had been treated, and complained of his knee, and of pains in the pit of the stomach. He examined the knee, and found that he laboured under a rheumatic affection. That disorder had nothing to do with the disorder in the stomach. Having heard the sort of medicine he had been taking, he did not order it to be discontinued, as he had no charge which would authorize him to do so, but he gave it as his opinion, that the treatment, if continued, would prove fatal. He advised chicken broth, in order to try and restore the tone of the stomach. When he called on the Friday, about eleven o'clock, he found him much worse. He lay still, with his eyes half closed, his pulse was weak, his breath faint, and it was witness's opinion, that he would shortly die. Witness declined acting without assistance, and Dr. Cobb was in consequence called in, but deceased was not then in a condition to take medicine. An enema was administered to him. On Saturday night he became worse, and witness did not think that any medicine in the world would at that time relieve him. He understood, that the pills consisted of portions of gamboge and aloes, and other ingredients. He had heard cream of tartar and assafoetida spoken of as other ingredients. There had been a *post mortem* examination, and the stomach was found inflamed and ulcerated. There was at the bottom of the stomach, near the lower opening, a patch of ulceration larger than a shilling.

If the deceased took the quantities of medicine described, it would account for the appearances he had witnessed, and which had caused death.

By the Court. — The ulceration must have been of recent occurrence; it could not have been of three months' standing. In his opinion it had commenced on the Friday. The appearance which he had found in the stomach would account for the death. Mucus such as he had seen, and in such quantities, would not have passed without some strong exciting cause.

Cross-examined by Sir F. Pollock.—He is a member of the College of Surgeons. He did not advise any medicines, as he thought they would be improper in the situation in which the deceased then was. He thought, that the medicines named would, if mixed and administered in large quantities, produce the effects he had witnessed in the stomach. He thought twenty pills of gamboge and aloes would produce vomiting and purging. He had administered ten grains of aloes at a time, and three grains of gamboge at a time. When gamboge, aloes, cream of tartar, and assafoetida were mixed, he could not tell the precise quantity at which the dose would cause danger to commence and safety to end. He should say that ten grains of Morison's pills, supposing them composed of aloes and gamboge, would be a strong dose: twenty would be dangerous, and, if taken night and morning, highly so; but much depended on the constitution. He did not know the difference between the pills No. 1 and No. 2; that which had most

gamboge would be the strongest. If each pill contained half-a-grain of gamboge, with ten grains of aloes, it would be an over-dose. He thought thirty of such pills night and morning for two or three days would be an improper dose to take. If ten persons were to take such doses for several days together, at least two or three of them would die; and if it was stated by persons, that they had taken such doses for a long time, either such statements must be false, or else witness's theory must be wrong. He never found, that a small dose of aloes would cause irritation when a larger one would not. He had administered aloes in doses of from one to ten grains, and gamboge in doses of from one to three grains. He had heard Mrs. M'Kenzie's evidence to-day. He heard her say she gave a smaller number of pills than was ordered, and that she sometimes kept back the pills No. 1 at night, and gave No. 2 pills in the morning. He also heard her say, that No. 2 ought not to be taken without No. 1. He thought it would not be fair to judge of the effect of medicine so administered.

Re-examined. — He thought, that a competent medical man could, on the Wednesday, have told that there was inflammation of the stomach, and would not have administered two spoonfuls of the pills powdered on the Thursday and Friday. Such a dose would produce the symptoms he witnessed in the stomach of the deceased, and was likely to cause death.

Dr. Frederick Cobb: Had been a practising physician in London fourteen years, and was physician

to the London hospital. He saw the deceased on the Saturday before his death, and was informed that he had taken a large quantity of Morison's pills. Directed a mustard poultice to be applied to the pit of his stomach, and ordered a mucilage and some chicken broth to be given to him. The object of the mucilage was merely to sustain life, as no medicines were administered, though enemas of strong beef soup, with small quantities of brandy, were given. Attended the *post mortem* examination of the body on Monday, the 1st of February, at two o'clock, and produces the notes of the observations he took as to the appearances twelve hours after death. The liver was rather large and congested, but no active disease; pericranium free from inflammation or other disease; stomach much contracted; the middle of the great curvature exceedingly inflamed, with two spots of ulceration, one the size of a shilling; the mucous membrane of the intestinal canal was inordinately injected with dark-coloured blood; in the ilium and jejunum the mucous membrane had the appearance of lymph effused within its substance, and greatly softened; in other parts the membrane was so thin as to give it the appearance of ulcerated destruction. In the cæcum and colon was a mass of yellow pulpy matter mixed with feculent matter. On opening the knee-joint there was an effusion of lymph. The head was loaded, but not seriously diseased. There was abundant appearance in the stomach to account for death, but in no other part of the body. Taking large quantities of drastic medicine would produce such ap-

pearances. He had heard Mrs. McKenzie's evidence. He thought the dose described by her to have been administered to deceased on Friday, of two table-spoonfuls of Morison's pills in powder, highly improper, and was of opinion no man of competent skill would have administered it. It required a nicety of judgment to discover the existence of inflammation, as it did in most internal diseases; but any person of competent skill, seeing the deceased on Saturday, must, have known that he was labouring under some destructive mischief to a vital organ, and that in such case it was highly improper to continue the previous course of medicine. If the medicines, of which he had heard, had been administered in the quantities described, they would be quite sufficient to account for the death. He could name no medicine the good effects of which were increased in proportion to the increased quantity taken.

By the Court: There was no medicine of which too large a dose might not be given. It was unfair to judge of the effects of medicine, where the whole quantity prescribed was not administered. Telling Salmon under such circumstances that the full quantity had been taken would be likely to mislead him, and induce him to increase the dose, when he found that the effect he expected had not been produced.

Mr. R. Phillips, lecturer on chemistry at St. Thomas's hospital, had analysed some of the pills in question. They were of different sizes and colours. No. 1 consisted of cream of tartar and aloes; there was a smaller quantity of another substance, the nature of which he had not time to ascertain; he at first thought it

was colocynth. The larger or No. 2 pill consisted of aloes, gamboge, cream of tartar, and another substance, which he had not time to make out. He did not know the proportions of any of the medicines in either.

Mr. Thomas Spingly Sandell, an assistant to last witness, said that both No. 1 and No. 2 contained a little assafoetida. He could not tell the proportions of any of the ingredients.

This closed the case for the prosecution.

The prisoner read from a paper a long defence, and called the following witnesses:

John Booth, a stone-mason: He knew Morison's pills. He was ill about three years ago, and began taking them. He commenced with three, and increased them up to fifteen a night. He continued taking them for ten months. He had taken thirty at night and thirty in the morning for as much as four days together. After that he reduced the number to twenty at night and twenty in the morning. In twenty days he took 1,000 pills, or 50 a day. He found great benefit from them, but never so much, or indeed hardly any, until he took the large doses by the advice of the prisoner. His health was now restored. Prisoner took no fee.

Cross-examined: His complaint was a general debility.

Richard Grant, the landlord of the Harp tavern, Harp-lane, Thames-street: He had been afflicted with the scurvy and fistula, and took medicines by the advice of a surgeon without effect. He then commenced taking Morison's pills. He commenced with five. He increased them to twenty night and morning, and found

great relief. He reduced the doses and became ill again. He consulted the prisoner, and then he took 100 pills on one day, and frequently ninety in one day. He was now in perfect health. His wife and children took the pills, and were benefited by them.

Jane Peacock deposed, that she had been seriously ill, and had taken as many as 112 pills in one day, and could eat her breakfast and work hard all day after without any inconvenience. She was now cured and well.

Upwards of thirty other persons, amongst whom were a surgeon, a clergyman, and indeed persons of all classes, came forward and stated, that they had been afflicted with gout, rheumatism, fistula, scurvy, and a variety of other disorders, and that they had been cured by taking Morison's pills, after having vainly taken the prescriptions of medical men. They generally found most relief from taking large quantities at a time. One person said, he had taken 100 in twenty-four hours, and another that he had taken 20,000 pills in two years; he had paid 22*l.* for them. They all said prisoner made no charge for attendance.

The counsel for the prisoner said, they had upwards of forty other witnesses, but they thought it unnecessary to call them.

Mr. Justice Pattison summed up at half-past seven o'clock. The learned judge, after going over, and commenting on, the evidence, concluded his address at a quarter to ten by saying, that it was, under all the circumstances, a question for the consideration of the facts on both sides by the jury, whether the prisoner

was or was not guilty of the offence imputed to him.

Towards the close of his lordship's charge, a juror was taken so ill as to be obliged to be removed into the open air; in a little time he recovered sufficiently to return to the jury-box.

The jury, after a consultation of a few minutes, expressed a wish to retire. They went out at five minutes to ten, and at twenty-five minutes past ten returned into court and pronounced a verdict of *Guilty*, but recommended the prisoner to mercy, on the ground of his not being the compounder, but the vendor, of the pills. The sentence was that he should pay a fine of 200*l.*

8. BLOWING UP OF THE STATUE OF KING WILLIAM III. —Between the hours of 12 and 1 o'clock, the statue of King William III, in College-green, in the city of Dublin, was blown up by an explosion of gunpowder. The street for some time previously was quiet, none apparently but the ordinary passers-by being on the *pavé*, when one of the watchmen saw a lighted train burning upwards to the figure; he endeavoured to drag it down with his pole, but did not succeed. A second watchman came up, and told him to come away, for there was powder in it. This latter man, who warned his companion, had previously seen an attempt made to blow up the statue; but it had failed, and, fearing the danger, gave the warning. Immediately after the watchmen withdrew, a tremendous explosion occurred, as loud as a piece of artillery. The noise was plainly heard for a considerable distance in all the surrounding neighbourhood. Most

of the gas-lamps from the college to Trinity-street were blown out, apparently by the explosion; the figure, weighty as it was, being composed nearly of solid lead, and being nine or ten feet high, was thrown up several feet in the air: it fell on the southern side of the base

In the course of the investigation respecting the outrage at the police office, a watchman named Smith, who was stationed at the gate of Trinity-college, about 100 yards from the statue, gave the following remarkable testimony:—"He was coming down Grafton-street when he heard Dillon (another watchman) springing his creak; witness ran up towards College-green, when he observed a light at the statue, and in a moment afterwards it exploded. About four weeks before this occurrence a report had been made at the police office, that a hole had been discovered bored in the horse some inches deep. [A piece of soft rope was here produced by witness, which he said was discovered at that time hanging down from the horse; to one end of it was attached a spike of about two inches long which had been fixed in the bored hole.] There was about one yard of rope stuffed into the body of the horse, and two yards hung outside. He had mentioned this circumstance to a watch constable." Smith added, that three attempts had been made within a short period to blow up the statue.

**CONSPIRACY AGAINST THE LIFE OF THE KING OF THE FRENCH.**—This was the last day's sitting of the court of assizes for the trial of several of the prisoners on a charge of being concerned in

a plot, called "the conspiracy of Neuilly," the object of which was to take away the life of the king. Eight of the accused, among whom is Boireau, the alleged accomplice of Fieschi, were found not guilty, and therefore set at liberty, excepting, of course, Boireau, who has to undergo his imprisonment of twenty years for participation in Fieschi's plot.

The two brothers Chaveau, Huillery, Husson, and Hubert, were declared guilty of having, in 1835, participated in a resolution concerted with several persons, having for its object an attempt against the life of the king. With regard to Charles Chaveau alone, the verdict declared by a simple majority, that this resolution of acting had been followed by acts committed or begun to prepare the execution of it. Attenuating circumstances were declared in favour of the five prisoners. But Huillery and Hubert were declared guilty of having uttered seditious cries, and of having insulted a commissary of police and the agents of authority.

The five convicted prisoners were then introduced. The registrar of the court read the declaration of the jury, and the substitute of the procureur-general, demanded the application of the penalties provided in the penal code. M. Plocque, one of the advocates of the defence, begged the court to apply the *minimum* of punishment to the prisoners. The president then asked the prisoners if they had anything to say? Hubert.—We are republicans and we will remain so till the end. The president.—You wish then, Hubert, that your punish-

ment should be increased? Hubert.—Know, that the republicans have never assassinated any body; it is the men of the monarchy who have acted thus. The president desired the prisoner to be quiet, or else a penalty would be imposed on him. Huillery here started up, and declared that he was calm, that he had trusted himself to the jury with confidence, but that he had been deceived. The president reminded him that he could only speak upon the application of the penalty. Huillery asked the jury, if, with their hands on their hearts they could pronounce himself and his companions to be guilty? The president observed, that the prisoner, having been once condemned by the jury, had no right to call himself innocent. Huillery exclaimed, that he preferred death to such a punishment, and Hubert cried out that it would fall upon the heads of the jury. The procureur-general's substitute demanded, that the two prisoners should be immediately conducted to the Conciergerie; and two gendarmes proceeded to lead them off by the arms. Hubert exclaimed "*Vive la Republic*," and Huillery said "It will not last long! *Vive la Republique*."

The court condemned Charles Chaveau to 10 years detention, Huillery and Hubert to 5 years of the same punishment, Gabriel Chaveau to 4 years' imprisonment, and Husson to 3 years. The five last-named prisoners were also declared to be subject to 10 years' surveillance of the police. The prisoners were then ordered off; but Gabriel Chaveau addressed the jury, and declared that his mother, who was dying, had been assassinated by them. Husson addressed

the audience, and said, "Adieu, gentlemen, the republic will soon avenge us."

9. CENTRAL CRIMINAL COURT. POST-OFFICE ROBBERY.—James Barnes was indicted for having, on the 4th of March, embezzled the sums of 8s. 10d., 7s. 4d., and 4d

The prisoner had been a clerk in the Post-office, and had been employed in that establishment for a period of 27 years. He had risen through the various gradations, and had at length arrived at nearly the highest class of posts, that of President. In this situation he had the superintendence of all the minor clerks, and there was only one superior officer, who was called the Superintending President, who had the control of the Presidents. There were two of these latter officers, and they acted in turn, and the prisoner was on duty on the day on which the offence, the subject of the present indictment, was committed. The following witnesses were called in support of the indictment.

William Sproule Young.—I am clerk in the Foreign-office, at the General Post-office; the various receiving-houses send letters in bags every day to the Post-office, the inland and the foreign letters being placed in different bags, and each bag, on its arrival, is conveyed to the office from which the letters should be transmitted; colonial letters go through the Inland-office, but it sometimes happens that they are sent by mistake in the foreign-letter bag; and on this being discovered, they are sent, together with the amount of postage paid on them, to the Inland-office; all foreign letters are paid, and a letter by mistake placed in the foreign-letter bag,

therefore, will be posted as paid; the letters are transmitted to the Inland-office by means of a tunnel passing from the Foreign-office; the prisoner was President of the Foreign-office, and it was the duty of the clerks to obey his directions. On the 4th of March he was on duty, and I was there also as window clerk, and in that capacity it was my duty to receive the postage paid on all letters; in the course of that evening the prisoner brought some letters and newspapers to me which he said were for the Inland-office, and he demanded foreign letters to the same amount of postage as was charged on them, together with the postage; by giving him the latter without the former I should have rendered myself liable to be charged with the amount; before I gave the prisoner the money he went and sat down by the fire-place, and fell asleep, and I then saw the same letters and papers in his hat, which he had previously presented to me; I subsequently paid the prisoner 8s. 10d., which was the amount of postage he had demanded, and he went away. I was present on the next day at the office of Mr. Peacock, the solicitor to the Post-office, where the prisoner also was, and he was then asked if he had letters in his drawer, but he replied in the negative.

Westall Arrowsmith.—I am also a clerk in the Foreign-office, and I was on duty at the window in that office on the 4th March, after the last witness left; at about seven o'clock the prisoner came to me and demanded 7s. 4d. for some letters, which were to go to the Inland-office; I gave him that sum, and in about five minutes afterwards he again came, and asked for 4d. on two newspapers, ad-

dressed to the Mauritius and Madras; I also paid him this, and he went away; on the next day I was in Mr. Peacock's office, when the prisoner was there, and he was asked if he had any letters about him; he replied that he had not, and on being asked whether he had forwarded the letters on which he had received 8s. 10d. from the witness (Mr. Young), he answered, "Yes, undoubtedly;" he denied, also, that he had any letters in his drawers; the letters, &c., which the prisoner presented to me I supposed had been received by mistake, and they should have been forwarded through the tunnel to the Inland-office; it was not usual for the President to come for the money himself, but the proper course was to send the letters by a messenger to the clerk who received the bags.

Cross-examined.—The night in question was a foreign post night, but not a very busy one; I do not know positively whether any extra mails were made up, but if there were, it would cause a great influx of business; the attention of the President is not required more particularly on foreign post nights, but he remains longer on duty; a person in the prisoner's situation would necessarily be more fatigued than on ordinary nights; mistakes sometimes occur, and I have several times been reproved for those which I have made; I have known the prisoner to assist at the sorting table on busy nights, once, but not oftener; he may have done so at other times; the President is frequently referred to when questions of difficulty arise.

Richard Cradock.—I am messenger in the General Post-office, and was on duty at the tunnel, in the Inland-office, on the evening

in question. If any letters and money had come from the Foreign-office, I must have received them, but none came. My attention was particularly drawn to that evening.

George Ledbitter.—I am a Bow-street officer. On the 5th of March I was at the Post-office, in Mr. Peacock's room, and I took the prisoner into custody. On searching him I found some letters and papers, and some keys. I afterwards went with the prisoner to the Foreign-office, and he said he had got some letters and papers in his drawers which he would give me; I opened a drawer with one of the keys I had found upon him, and found in it the newspapers and letters which have been spoken of by the witness Young.

Cross-examined by Mr. Price.—The prisoner at once told me that he had letters in his drawers, when I searched him. Two of the letters found on the prisoner were seamen's letters, and are marked, "without postage." I went to the prisoner's house at Peckham, and his private apartments in the Post-office, but I found nothing in either of those places connected with this charge.

James Hayes.—Was a messenger at the Post-office, and was sometimes employed in stamping letters in the Foreign-office. The witness proved, that one of the letters found in the prisoner's drawers bore the stamp of the 2d of March, but he could not say, therefore, that it was in the Post-office on that day: the stamps were always given to the President at the end of the day, and were destroyed by him. Cross-examined by Mr. C. Phillips.—The stamps are formed of moveable types, which are fixed into a per-

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manent handle. I make up the stamps every day; they are kept in a desk in the public room.

James Lowther.—I am a President of the Foreign-office, in the Post-office, and was senior President to the prisoner; any letter bearing the stamp of the 2d March must have been stamped on that day in the Post-office. The same stamp is never used a second time. Other letters which were found in the prisoner's possession bear the stamps of the 29th and the 20th of February, and the newspapers have the stamps of the 29th of February and the 2d of March. Cross-examined by Mr. Price.—Any letters which are delayed would bear a double stamp—namely, of the day on which they come into the Post-office, and of that on which they are sent away. Letters are very rarely delayed.

This closed the case for the prosecution.

The prisoner, in his defence, read a written paper, and declared that he had no recollection of having received the sums alleged in the indictment, but if he did, he must immediately have transmitted them to the Inland-office, together with the letters. He was a man of education, and filled the rank of a gentleman; and was it probable that he would risk his situation and the happiness of his wife and family for the paltry sum of 16s. 4d.? He left his case confidently in the hands of the jury.

Mr. Henry Freeling, assistant-secretary at the Post-office, and many other persons of the greatest respectability gave the prisoner a most excellent character for honesty and general good conduct during the last twenty-seven years.

The Jury having retired for  
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upwards of an hour, delivered a verdict of *Not Guilty*.

11. James Barnes was tried on a second indictment, charging him with having, on the 2nd of March, embezzled and appropriated three several sums of 6s. 4d., 4d., and 2s. 6d.

Mr. Aaron Smith.— I am a clerk in the foreign department of the post-office. I remember the 2nd of March in this year. I had received a previous communication respecting the prisoner, which drew my attention more particularly to his conduct on that day. It happens sometimes, that the receiving houses and branch offices put inland-letters into the foreign bags by mistake, and when that is discovered, the letters and money are conveyed by a tunnel into the inland-office. The letters and money ought not to go through the prisoner's hands, but should go to the bag-clerk. The usual course was to send a messenger, but Mr. Barnes made it a custom to come himself. He came to witness at about quarter-past five with three letters, which, he said, were going into the inland-office and required 6s. 4d. as the postage. He also read out the amount of the postage on each, one amounted to 1s. 2d., one to 2s. 2d., and one to 3s. The one-and-twopenny letter was peculiarly marked. [A letter shown to witness.] This is the same letter. Witness paid him the money. He came again with two newspapers, which he said were going to the Mauritius and Madras, and witness paid him 4d. on them. He came again, between seven and eight, and asked for 2s. 2d. on a letter which was going into the inland-office. Witness thought he said to Nova Scotia. Witness said, he had not

the money, and he had better go to Mr. James, the bag-clerk. A Nova Scotia letter would properly go to the inland-office as a colonial letter. Witness was present on Saturday, the 5th of March, when prisoner was examined in Mr. Peacock's office. He was asked whether he had forwarded the letters, of which he had been in the habit of coming for the postage? and he said, "Yes, of course." He was asked if he had any letters in his drawers or about his person? and he said, "No." When he was told, that he would be searched, he then allowed, that he had some letters in his drawer. The solicitor said, "You will be searched," and prisoner said, "I now recollect, that I have four or five letters in my drawer." Two letters were found upon his person, they were foreign letters. Cross-examined.—The usual and proper way with the other president was to send such letters by the messenger. But Mr. Barnes at times came himself. The messenger was an inferior officer, and certainly not, from his station, more trustworthy than Mr. Barnes. He would be entitled to convey the money which he received for the letters through the tunnel by the hands of the messenger. He was not obliged to carry them himself to the tunnel. Witness, if asked, would have taken them to the tunnel, if disengaged at the time. There are two fires in the office; round one of which the presidents and junior clerks occasionally sit. The messengers sit at the other side. The messengers, if called, might come to stir the clerk's fire, but not to sit there. Witness did not know whether a president gave security

to the crown for his situation. Witness was what was called a window clerk. There were seven of them altogether. Mr. Barnes might have sent the money and letters to the tunnel by any of the inferior clerks in the office. There are two presidents, a superintending president, and sixteen clerks in that office. Witness never refused him money. By the Court.—If the president had sent a messenger to the bag-man, he (the messenger) would take the letter to the tunnel, and take the foreign letter to the same amount of postage to the president. The messenger would put the money and letter in hand into the tunnel.

Mr. James, a clerk in the foreign department of the post-office, said the prisoner came to him between seven and half-past seven in the evening of the day in question. He had one letter and two newspapers. The postage of the letter was 2s. 2d., and of the newspapers 4d., 2d. on each. Witness delivered the prisoner the money. Witness did not know whether it was the prisoner's practice to come himself or send a messenger, but the other president used to send a messenger. Witness remembers placing an inland-letter for the messenger on the table in the post-office. It was addressed to a person named Teesdale. Witness sent 8d. postage with that letter. There is an officer of that name in the foreign-office. [A letter handed to witness.] This is the letter. It is addressed W. Ellis, Esq. Halifax, Nova Scotia, and had 2s. 2d. postage on it. It was stamped the 2d of March. [A newspaper handed to witness.] This is the newspaper which he had, it is

addressed W. M'Lean, Esq., Civil Service, Madras. According to the stamp it came into the office on the 29th of February. [Another letter, addressed Curacao, was put in, and identified.] A letter addressed to New South Wales bore the foreign-office mark, and from the stamp had come in on the 20th of February, and ought to have been forwarded the same night.

Cross-examined.—Witness had been four years a clerk in the Post-office. [A book shown to witness.] From that book it appeared that some part of the Malta, the Indian, the Brasil, and the Buenos-Ayres mails were made up on the evening of the 2nd of March, in addition to the usual mails; but only such letters belonging to those mails, as had not been despatched on the previous Saturday. These were all fresh letters since the Saturday. Those mails would render that night more busy than ordinary. When he put the letter on the table for the messenger as described, he did not consider he was doing anything wrong. The president might leave a letter for a messenger in a similar manner. Witness could not tell how long the letter remained on the table before it was taken by the messenger. He did not see the messenger take it. It would be the duty of any messenger who saw it to take it to the tunnel. If prisoner gave a letter and postage to a messenger, it would be his duty to take it to the tunnel; but any of the clerks would take them to the tunnel, if asked by Mr. Barnes to do so. He had not the slightest idea whether the letters and papers produced were those which Mr. Barnes spoke to him about.

Re-examined.—If there was a press of business on the night in question, it would be a reason against the president's coming himself with the letters for the postage.

Richard Craddock, a messenger at the general post-office, was on duty in the inland-office on the 2nd of March. It was his duty to receive the letters and postage of the inland-letters, to be carried from the foreign-office to the inland office. The letters were sent in boxes. He was on duty from 5 until 8 o'clock, and his attention was on that evening particularly directed to the letters and money. He on that evening received a private letter, and 8*d.* from a clerk in the post-office. It was addressed, Mrs. Teesdale, Bognor. He received also a ship letter and 2*d.* He did not receive any other letters or papers on that evening, nor did he receive either 6*s.* 4*d.* or 4*d.* The tunnel closed at 8 o'clock. It closes at witness's end in the inland department. There are two boxes which are worked by machinery, and passed each other. The machinery cannot be worked at the foreign end of the tunnel. The period when the tunnel was worked was the busiest time.

Charles Woolbeck attended the tunnel on alternate days, with the last witness. He was on duty on Thursday, the 3rd of March, at six o'clock. There were no letters in either of the boxes from the over night. He is on duty for about three hours in the morning.

George Ledbetter, a police-officer, identified the letters and papers found upon the prisoner and in his drawers, on the 5th of March.

C. D. Wagstaff, esq., was super-

intending president at the post-office. Heard prisoner deny having letters on his person or in his drawer. A police-officer came into the room; I desired him to search him, which he did, and found two letters on him. He then said, "I now recollect, I'll tell the truth, I have a few letters in my drawer."

The prisoner read a long written defence nearly the same as that made on Saturday. The two letters found upon him were, he said, letters addressed to two private sailors at Malta, upon which the small sum of 1*d.* each had been paid. These letters were to be sent through the agent at Falmouth, unless it was found necessary to charge 3*s.* 6*d.*, the full postage on each of them; and it being then late at night, he put them into his trousers pocket, in order to inquire what was the general practice on that subject. He said, that if he had received the sums and letters mentioned, he had undoubtedly handed them over to the proper departments to which they ought to go.

Mr. Henry Freeling gave the prisoner an excellent character. He considered him the most efficient officer in the post-office. Fourteen other witnesses were called in support of the prisoner's character.

The Jury pronounced a verdict of *Not Guilty*.

There were other indictments against the prisoner for similar offences, and for larceny in stealing the letters. He was acquitted on them all.

17. RAILWAY ACCIDENT, MANCHESTER — UPSETTING OF A WHOLE TRAIN OF CARRIAGES, WITH PASSENGERS.—As a first-class train, was approaching Man-

chester from Liverpool (at the supposed rate of thirty miles an hour), when on the high embankment between Winton and Chatmoss, an axis of the first carriage suddenly snapped asunder. From the great speed the carriages were moving at, and the collision produced by the breaking of the axis, the engine carriage, as well as all the other carriages, with the exception of two, were capsized, and thrown down the embankment, which is about twenty feet high. No one was severely injured, except one lady, who was much lacerated. The alarm was beyond description; the passengers were necessarily turned topsy-turvy and thrown one upon another, and without the least chance for some time of any being extricated from the vehicles. Numbers were slightly cut, and otherwise slightly injured in attempting prematurely to get out. There were about 120 passengers.

26. An inquest was held by the coroner for Rochester, at the Guildhall of that city, on the body of the hon. Francis de Grey.

Alleyne Higgs Barker, of the parish of Wouldham, being sworn said, I am Rector of the parish of Wouldham. On Monday morning last, about a quarter past 9, I was in my garden fronting the river, the deceased was standing down on the Hard leading to my boat. We had just before pushed the boat off which had been aground, and I had returned into the garden. I was preparing to come into breakfast. We were about to use the boat in the afternoon, and as the tide was going down, we pushed her off to keep her afloat. I saw the deceased in the act of pushing the boat off again with considerable violence, which drove

the boat in a straight direction into the river some yards. I then observed that the anchor did not hold the boat, the force of the tide being too great. I then said to the deceased, "she is adrift now, but never mind." He said, "I must swim after her." I begged him not, and said "pray don't go, besides you have your watch in your pocket." He said "No, I have not," and immediately jumped into the river and struck out. I observed the deceased to labour very much, and appear frightened. He shot astern of the boat, and the tide carried him faster than the boat. He struck out about five or six strokes rapidly, evidently like a person much alarmed. He tried to stem the tide, and reach the boat; he then turned round and said, (but I will not be positive as to the exact words) I think they were "I'm drowning," or "I shall be drowned." I endeavoured to encourage the deceased to keep up. I immediately ran round from the front of the river to the back of the house, where I knew there were some kegs. I took one of them in my hand, and ran to a part of the river to which I supposed the deceased would have drifted. On arriving there I saw him struggling. I called out to him to come on shore, fearing he might be attempting to get into the boat, he then, in struggling, turned upon his back, and his cap came off; he was then about fifteen yards from the shore. I took off my coat and waistcoat, and with the keg, to which a sling was attached in my hand, plunged into the river having one hand through the sling; in the exertion of swimming, the sling broke; I turned to recover the keg, on reaching it

I found in consequence of the sling having broken, it was of no service there being nothing to hold it by. I then let go the keg, and swam out without it to within a yard, or two where I saw the deceased. I was then exhausted, and found myself sinking. I turned round, and with difficulty reached the shore. During the time I was in the water, the deceased, disappeared from the surface. I once saw a motion in the water, which I conclude proceeded from a struggle of the deceased. I then ran and procured a boat-hook, took it and got into a boat at a short distance, and repaired to the spot to endeavour to recover the body. I continued my endeavours for about three quarters of an hour without success. I then proceeded to Rochester to obtain the drags; also for a medical man to be in attendance. The deceased was my pupil, about 21 years of age. From a conversation I had with him I inferred he was a good swimmer. He was completely dressed when he went into the water.

The Jury immediately returned a verdict of—"Accidentally drowned."

The deceased was a son of Lord Walsingham, and had only taken up his abode at Wouldham about a fortnight or three weeks before.

#### MAY.

1. COURT OF KING'S BENCH.—THE KING v. HUNTER AND OTHERS. This was an indictment against the defendants for a conspiracy to defraud a person of the name of Wilkinson, a retired inn-keeper, living at Alresford, in Hampshire, of 999/.,

under the pretence of selling him an annuity, to be charged on funded property belonging to Gardner, in right of his wife, that property being known to be overcharged at the time. Gardner had been for many years an inmate of the King's Bench Prison, and was separated from his wife; a female was living there with him, who was the defendant Elizabeth Wortz; but it was notorious that she was not his wife. Gardner was entitled, in right of his wife, to the fifth part of 7,770*l.* 3½ per cents., which would become due on the death of her mother, Mrs. Graham, who was eighty years of age. At the time of the transaction in question, this reversionary interest was incumbered to its full extent. Gardner applied to the defendant Wright to obtain for him an advance of money, and the defendant Hunter, an attorney, communicated to a Mr. Lipscomb, an attorney at Alresford, the opportunity there was of obtaining a good security on an annuity. Lipscomb applied to Wilkinson, who agreed to advance 1,000*l.* at ten per cent., and after a good deal of correspondence the transaction was brought to a close, and the deed was signed by the different parties, and by a female living with Gardner, who executed the deed in the name of Jane Gardner. It was alleged that all the defendants were either aware that this female was not the real Mrs. Gardner, or that they perfectly well knew the interest of Gardner was so much encumbered, that it was no security for the sum then advanced upon it by Wilkinson.

Frederick Rutson.—I know the defendant Gardner. I went into the King's Bench Prison several

times to see Wright on the business; he showed great anxiety to have the money advanced to Gardner. I have seen Thomas, who was Gardner's attorney, and Hunter together on the business. Hunter said, he was to raise 400*l*. Thomas agreed to it. Hunter afterwards said, his client would not agree to lend so small a sum, but would advance 1,000*l*., and 400*l*. was to be deposited in the hands of trustees to pay the annuity. I told Wright this by the desire of Thomas. Wright referred me to Gardner. Wright gave me 2*l*. at different times to get certificates of burials. I saw Gardner on several occasions.

Lancelot Lipscomb.—I am an attorney at Alresford. On the 9th of July, 1834, I received a letter from Mr. Hunter, stating, that he had a security for 1,000*l*., at eight per cent., being a reversionary interest of a quarter of 7,000*l*. payable on the life of a lady aged eighty-four. I answered that my client must have ten per cent. On the 11th of July I received another letter from Hunter agreeing to the terms. On the 22d of July I had another letter from him, stating that there was no encumbrance on the property. I afterwards came to town, and called upon Hunter; he prepared the securities. He told me that Mr. Thomas, a very respectable attorney in the Borough, had brought the business to him. Wilkinson came to town, and we went to Hunter's chambers, and there we had conversation about the business. Subsequently all the parties came, and a woman was introduced as Mrs. Gardner. Her dress surprised me, and I called Hunter out of the room, and asked him how he knew she was Gardner's wife, as

he had told me the previous day he did not know Gardner. He told me it was all right. We returned into the room, and I asked Hunter, if he was satisfied it was all correct. He said it was, and that it was a capital security. The woman was then asked if she knew what she was about to do? She said she did. She was asked the age and condition of her mother? She said she was eighty-five years of age and bedridden. I then saw the woman execute the deed as Jane Gardner. I paid the money, 990*l*. All the parties executed the deed.

On the 20th of October a letter was received by Wilkinson from Wright, stating his wish to see him relative to the late transaction. In a few days another letter was received from Wright, stating there was a forgery connected with it, which, as a Christian and an honourable man, he was bound to disclose. I came to town and saw Wright, who told me he was very unhappy, and would give me all the information he could. He told me Gardner got very little, that he himself had 76*l*., that Mrs. Kiffin would give me every information about the woman not being the wife of Gardner, and that she had told him there were previous encumbrances. I asked when, and he said during the time the negotiation was going on, and she had mentioned the name of Mrs. Kiffin; he said 400*l*. had gone to Hunter, 142*l*. for his bill, 49*l*. for Thomas, 76*l*. to himself, and 10*l*. to Gibbons; that Thomas held two bills of his, which he had accepted, that they were over due, and he had made application for the amount, in consequence of which he had proposed to Thomas to take up some money on Gardner's rever-

sion, and that if he would do so, he was to have a sum of money which would enable him to take up these bills. After this conversation I called on Hunter and told him the woman who had signed the deed was not Mrs. Gardner, but that it was a woman with whom Gardner lived. Hunter asked me who told me so? I said, Wright. Hunter said, "I thought so; he is a great rascal." Hunter then said it was true she was not his wife, but that Mrs. Gardner was ready to do anything to confirm the deed, and he would get a Mr. Fry, her attorney, to prevail upon her to execute the deed. He said that Gardner was almost out of his mind about it, and he thought he would drown himself, and that he had gone to an insurance-office and had insured his life. I said I did not think Mrs. Gardner's signature necessary. He proposed to go to counsel. We went to Mr. Carter, who was of opinion her signature was not necessary, but that we had better hold it as a threat in case they did not keep down the annuity. We went to the North British to effect an insurance to secure Wilkinson. I said, I had heard there were encumbrances outstanding of a Miss Graham and a Mrs. Kiffin. He said there was nothing in it; that Miss Graham's had been set aside as fraudulent, and there was no consideration for the other. I told Hunter the better way would be to redeem the annuity; he said he could easily do that. I received a letter on the 15th of November, from Hunter, in which he said that he had effected Gardner's insurance, and that he understood Thomas knew of the cheat. On the 10th of December he wrote again, saying that none of them

relished the deception which had been so uselessly and stupidly practised, and wished to know on what terms Wilkinson would redeem the annuity. I afterwards wrote to him saying, Wilkinson's terms were 1000*l.* and legal interest, and that now was his time to make a good thing of this matter. Wilkinson commenced an action against me for negligence, and I paid 1,000*l.*

The material circumstances were corroborated by other witnesses.

The jury returned the following verdicts:—Gardner *guilty*;—Hunter *guilty*;—Wright *guilty*, but recommended him to the merciful consideration of the court.

— EXTRAORDINARY HIGH TIDE.—For two days it had been blowing very hard from the N.E. On Sunday, the 1st of May, the storm had so increased that the suburban roads were almost impassable, from the clouds of dust occasionally flying about. On the northern roads, the mails and coaches were frequently enveloped in clouds of fine road sand, making it a work of the greatest difficulty to the drivers to guide their horses. The Thames all day was like a rough sea, and barges and boats could scarcely live on it. Several were capsized, and stove in, and their cargoes lost. A waterman rowing a young man over in his skiff from Limehouse to Deptford, was driven against the mooring chains of a ship, the skiff was upset, and both went down before any assistance could be rendered. In the afternoon, about three o'clock, four boys were imprudently entrusted with a boat, and were rowing down the river from Vauxhall, when the tide drove them athwart the barges moored off the Penitentiary,

at Millbank, and they were all immersed in the stream. Assistance was immediately rendered, and three of the youths were saved by the Thames police and others, but the fourth, aged 18, met with a watery grave. In the evening the gale increased to a perfect hurricane, and during the whole night the storm raged with the greatest fury. Its effects were visible both on land and water, in the great number of houses unroofed, chimney tops blown down, out-houses destroyed, and ships which had been driven from their moorings and damaged. The nursery-gardens and plantations in the vicinity of the metropolis experienced great injury. The northerly breezes having blown the water up channel, the tide in the afternoon overflowed the banks of the river. The lower parts of Blackwall, Limehouse, Shadwell, Wapping, and Westminster on the Middlesex shore, and Deptford, Bankside, Lambeth, and Vauxhall on the Surry side, were under water upwards of an hour. In High-street Wapping, from Wapping New Stairs to Execution Dock, the water was from three to four feet in depth, and washing into the shops, cellars, warehouses, granaries, and floors level with the street, destroyed much valuable property. The tide flowed until fifteen minutes past three o'clock, forty minutes later than was set down in the tide tables. At that time Bankside, from St. Saviour's Church to Holland-street, near Blackfriars-road, was quite impassable, and the flood carried everything before it, and rushing down the narrow streets and alleys leading to Park-street, and other parts of Southwark, entered the humble

dwellings of the lower classes, breaking away doors, setting their furniture afloat, and compelling the inmates to retreat into the upper floors until the tide ebbed. The tower-wharf was overflowed, a circumstance which has not happened for many years. A great many poor individuals in the lower parts of Lambeth had all their little property washed away by the sudden irruption of the river, and a good deal of the market-garden ground in the neighbourhood of Fulham and Battersea was laid under water. The stables right and left from the end of Northumberland-street to the river were completely flooded. The back entrance to the police-office in Great Scotland yard, as well as the office itself, was filled with water; and the space, on which the court of review (formerly the Star Chamber) recently stood, was flooded several feet inwards from the bank of the river. The water could also be seen from the gallery of the Painted Chamber (now used as the House of Lords) floating its northern side; and many of the vaults or cellars under the old House of Lords were completely choked up. Several of the shops in Millbank were filled as high as the counters, and the lower end of Market and Vine streets were covered over nearly a foot deep.

3. COURT OF KING'S BENCH. —THE KING *v.* JOSEPH HUME, Esq., M.P.—Sir W. Follett called to the recollection of their lordships, that a rule had been granted, calling upon Mr. Hume to show cause why a criminal information should not be filed against him for publishing certain letters imputing to sir John Gibbon misconduct in his character of a ma-

gistrate. He (sir W. Follett) had now to state to the court that his client had received a communication from the defendant, which might render it unnecessary again to trouble their lordships with the matter. He would read the letter, and then submit to the Court whether he might not properly consent to the rule being discharged. The learned counsel then read the following letter:—

“Bryanston-square, April 23, 1836.

“Sir,—In my letter to you of the 30th of January, I expressed my regret that I should, in my letter of the 23d of January, addressed to the editor of the *Morning Chronicle*, have made a mistake in representing you to have been present at the meeting at Staines, when you were not: and, in my letter of the 3d of February, in answer to yours of the 2d, I stated that my noticing your name was against the general rule I had laid down for my conduct for many years; and that it was against the system I complained; and as soon as I was convinced that you were not present, I corrected the error through the same public channel the charge had been made.

“I am now satisfied, on inquiry, that I was equally in error in stating that any elector who had voted for me at a former election had been refused a licence for a public house on that ground, or that any elector who had voted for Mr. Wood and against me had got a licence; and I am now satisfied that Mr. Carpenter’s speech at the meeting alluded to did not go that length; although, when I wrote my letter of the 23d of January, I was certainly under the full impression (an impression caused by confusion of what had passed at more than one public meeting)

that such had been the case. Being now convinced that I have made these mistakes, I can have no hesitation in correcting them, and in acknowledging, therefore (which I do), that the charge which I have made against you is unfounded. I therefore distinctly retract it; and, at the same time, express my regret that I should have made it, or have given you any trouble or uneasiness, which I am now free to confess you did not deserve.

“I am, Sir, your obedient servant,

“JOSEPH HUME.

“To Sir John Gibbon, Bart., &c.”

The object of sir John Gibbon in applying for the rule having been to vindicate his character, he (sir W. Follett) was sure that their lordships would think with him, that sir John Gibbon was not called upon to press the matter further, and might properly consent to the rule being discharged.

To this the court assented.

—DEATH BY LIGHTNING.—

An inquest was held upon the body of a youth named Joseph Hough, about fourteen years of age, who was killed by lightning under the following circumstances. Mary Hough, the step-mother of the deceased, with her husband, and a family of eight children, occupied a small cottage on Horwich-moor, near Bolton. On Saturday last, about 4 o’clock, whilst she was up stairs (all the family being at home excepting her husband), she was alarmed at witnessing the threatening aspect of the heavens. Shortly afterwards a violent storm arose; the wind howled dismally; and hail, snow, and rain, rendered it impossible for any one to see many yards across the moor. In about five minutes afterwards a vivid flash of lightning darted

through the room, followed by a long and loud clap of thunder. In her terror she hurried down stairs, taking with her an infant and a little girl about nine years old. She went with them into the pantry, thinking that she would be safer there than elsewhere. Whilst there, she heard a startling noise as if a heavy piece of iron had fallen upon the floor, accompanied with a strange hissing sound. Upon that she took the two children in her arms, and was proceeding across the house, with the intention of going out to look for her husband, when she observed her step-daughter, about seventeen years of age, lying senseless, with her face upon the ground. Her face appeared all over dirt, and her skin and hair were terribly scorched. She passed on, however, being too much frightened to be able to render any assistance, and got out of the house with her two children in her arms. Presently she was joined by two others of her step-daughters, one older and the other younger than the one struck by the electric fluid; and a little boy about four years old likewise followed them, leaving three of the family in the house, being her step-son Joseph, the deceased, her own son about ten years old, and the girl on the floor. They then all ran down to a quarry known by the name of Pilkington's stone-delf, where some men were at work; she called, and they came up to her; and, whilst on their way to a neighbouring house to give the alarm, another loud clap of thunder reverberated over them, and one of the men was instantly struck to the earth. The distracted mother then ran with her children nearly a quarter of a mile to a house, where she left them. On re-

turning to assist in the melancholy scenes at her own house, a terrible crash arrested her progress on the heath, and she in amazement, witnessed the terrific effects of the electric fluid, which had struck her cottage, and shivered it almost to its very foundation. Part of the roof was blown off, the doors were thrown open or off their hinges, and the windows were entirely demolished. As she approached the scene of desolation, she saw a man supporting her step-daughter from the ruins; her scorched hair was hanging in knotted hanks upon her shoulders, and her face and eyes, from the effects of the vivid element, were of the deepest scarlet. She left her in the care of the man, and was going into the house, when she met another son, who seemed almost smothered; his hair was likewise singed, and his right side and shoulder were much burnt. At last, when she entered what remained of the cottage, she saw Joseph lying upon the floor; he appeared quite dead; his hair was completely burnt off; his clothes and stockings were entirely consumed; and nothing remained of his linen but the wristbands and shirt neck. All the furniture was destroyed, broken or burnt, with the exception of two old chairs. That part of the house, where Mrs. Hough ran into when the storm commenced, was wholly knocked down; the joists were completely lifted up, and the timbers split in two. Five looms in an adjoining loom-house were damaged, and a small portion of the warp in one of them burnt. All the bedding in the house was destroyed, and the clock was shivered to atoms. Stone walls, eighteen inches thick, were dissevered. The deceased

lived a few minutes after he was raised up, but the only signs of animation he gave were heavy convulsive sobs. His head, face, and right side, down to his feet, were dreadfully burnt. The little girl, whom Mrs. Hough carried out with her, also had her clothes torn off. All the other children were more or less injured. Verdict—"Died by the visitation of God."

4. COURT OF FACULTIES.—THE PRINCE OF CAPUA AGAINST COUNT DE LUDOLF.—This was an application for a licence to solemnise (or re-solemnise) a marriage according to the forms of the church of England between the prince of Capua, second son of the late king of the Two Sicilies, and brother of the reigning king, and Miss Penelope Smyth, which was stopped by a *caveat* entered by Count de Ludolf, on the part of his Sicilian majesty. The prince and the lady had eloped from Naples.

The application was brought before this court (a tribunal which has not sat, we believe, for a century) in the shape of a suit by an act on petition. Mr. Rothery, proctor on behalf of Carlo Ferdinando Borbone, Principe di Capua, alleged, that his party had been duly sworn and prayed a licence. Mr. Pritchard, proctor for his excellency count de Ludolf, envoy extraordinary and minister plenipotentiary of his majesty the king of the Two Sicilies, alleged, that by a decree of the late King, dated the 7th of April, 1829, the members of the blood royal of that kingdom, of whatever age, are required to obtain the consent of the sovereign to authorise a contract of matrimony, and that without such consent their marriages are void; that, on the

12th of March, 1836, the present king issued a decree, recognising and confirming the before-named decree, and further directing, that the marriages of any members of the royal family, which should not be preceded by the Royal permission, should not be considered legal, and should induce, moreover, confiscation of property; that these decrees had the force of law in the kingdom, and were personally binding upon the several members of the royal family, wheresoever they may be residing; that the Prince of Capua is a member of the said royal family, and a domiciled subject of the king of Naples, and has only recently arrived in England, where he has no place of abode, and that he has not obtained the consent of his said majesty to his marriage with Miss Smyth; but, on the contrary, his majesty has expressly forbidden the marriage, and authorised his minister in this country to take the necessary measures to prevent the granting a licence for that purpose; and he prayed the rejection of the petition. Mr. Rothery, on behalf of the prince of Capua, replied, that the prince was a bachelor of the age of twenty-one and upwards, and had had his usual place of abode in the parish of St. George, Hanover-square for fifteen days last; that Miss Penelope Smyth, of the same parish, is a spinster of twenty-one and upwards, and a British born subject; that there is no impediment of kindred or alliance or of any other lawful cause or suit in any ecclesiastical court to bar the marriage, and that the laws of a foreign country have no force or effect respecting the marriage of persons residing in England, and seeking to

solemnise marriage there, especially when one of the parties is a British-born subject.

The king's advocate, on the part of count de Ludolf, argued, that the grant of a licence was a matter of grace and favour, and that this was not a case in which such a dispensation from the ordinary form of law should be conceded, where the party who applied for the licence was not a domiciled subject of England, had no regular abode in this country, and was endeavouring to contract a marriage in violation of the laws of his own country, and the express commands of the head of his family. Dr. Lushington, on behalf of the prince of Capua, contended that the policy of the British law was to favour marriage; that the marriage would not be invalid by the law of England; that it was not in the power of the court to say, that this marriage should not take place; that it had been the practice to grant licences almost as a matter of course; and that this court would not, for its own sake, as well as for the sake of the public, impose upon itself a duty which the law did not prescribe to it, by stopping the licence now sought.

The Master of the Faculties, after stating the nature of the application, said that the affidavit was in the usual form, and that the licence would have been granted in the ordinary course; but it had been stopped by a *caveat* on the part of the minister and representative of the king of the Two Sicilies, on the grounds just stated. Under these circumstances, he (the learned judge) had determined to hear the question argued by counsel; and it had been accordingly argued, on one side, that the *caveat* showed sufficient grounds to induce the

master of the faculties to refuse the licence; and, on the other hand, that as by the law of England there was no bar to this marriage, the application ought to be granted. He was of opinion that sufficient ground had been shown to entitle the minister of his Sicilian majesty to be heard on behalf of his sovereign against the grant of a licence for the solemnisation of a marriage of a member of the royal family of Naples, taking up his temporary abode in England, though a domiciled subject of Naples. It had been contended that, according to modern usage, licences were issued almost as a matter of course; but although it might have become almost a matter of course to dispense with the ordinary course of the law, it was not to be assumed that the grant of a licence was *ex debito justitiæ*, and not a matter of grace and favour; and he was not prepared to say, that the master of the faculties might not refuse a licence, although there might be no impediment to the marriage, and leave the parties to resort to the ordinary form of marrying by bans. He should take time to consider and to examine the records in the registry, in order to ascertain whether he had the discretion of refusing a licence. When the minister of a foreign sovereign, as the representative of that sovereign, came before this court, and stated objections to conceding a dispensation from the ordinary form of law in favour of a member of the royal family of that sovereign, and detailed reasons for that objection which were not captious or frivolous, he (the learned judge) should be disposed, out of respect to that foreign sovereign, to exercise his discretion in refusing the grant of

the licence, if it was a matter of grace and favour.

On the following day, the master of the faculties refused the licence.

The bans were afterwards published in the ordinary way ; and although they were forbidden, the marriage of his royal highness to Miss Penelope Smyth, no cause against it being shown, was celebrated at St. George's, Hanover-square. This was the fourth celebration :—the first having been at Rome, by Cardinal Weld ; the second at Madrid ; and the third at Gretna-green.

—**EXTRACT OF A LETTER FROM FORLÌ.**—"We have received, by letters from Rome, of the 6th inst., the following details :—Two of the sons of Lucien Bonaparte, prince of Canino, carried away by the impetuosity of youth, killed a gamekeeper at Canino, in a hasty quarrel that arose between them. The government immediately sent a detachment of carbiniers to arrest the young princes, who resolutely resisted by force of arms, supported by other young men who joined them. On presenting the warrant of arrest, the lieutenant who commanded the party, was killed by a pistol-shot from one of the princes. A general contest ensued, in which several were wounded, and among them, it is said, a non-commissioned officer and two carbiniers, very seriously. In the end, the armed force gained the upper hand, and secured one of the princes ; but the other succeeded in effecting his escape. The brother, who was secured, was instantly sent to Rome under an escort, and arrived a few minutes after this deplorable event had been made known to the government and to the elder brother, the prince of Musignano, who

was quietly pursuing at Rome his favourite study of natural history." —*French Paper.*

**DESTRUCTION OF THE PORTRAIT OF SIR JOHN SOANE IN THE COMMITTEE-ROOM OF THE LITERARY-FUND SOCIETY.**—The members of the Literary-fund Society have been thrown into a state of considerable excitement by an incident which lately occurred at their committee-room. A portrait of sir John Soane, the architect, and a member of the society, was lately presented to the Fund by Maclise, the Artist. Sir John, who has grown somewhat older since he was painted by Sir Thomas Lawrence, and, accustomed to flattery, thought it some disparagement to him that he should be depicted with all the changes time had worked upon his brow, requested the society to return the portrait, and offered to present them with one by sir Thomas Lawrence, making their compliance the terms of his future favour to the Fund, to which he had been a munificent benefactor. The considerate portion of the society thought it better to humour the veteran architect and remove the picture ; especially as Maclise made no objection. But some persons, deeming sir John's proceeding too dictatorial,—Radicalism and Opposition creep in everywhere,—stoutly resisted the proposal ; and it was to be mooted at a general meeting of subscribers : when, lo ! Mr. Jerdan, editor of the *Literary Gazette*, and member of the council of the Fund, put an end to all contention by entering the committee-room and cutting the caricature of sir John (as the latter considered it) in pieces with his pen-knife !

**15. THE GREAT ANNULAR ECLIPSE.**—At five minutes past

one, the first obscuration of the sun, in the form of a segment of a circle, was visible in London. At about two o'clock the moon had encroached to the extent of several digits on the diameter of the great luminary. At this period, when viewed through a telescope of about 80 degrees magnifying power, the apertures or black spots in the body of the sun seemed to be within a digit and a-half of the nearest point of the circular edge of the moon. The planet, then in a compound orbicular path, describing an ellipsis between south, north, and west, continued to intercept the rays of the sun until twenty minutes past 3, when the eclipse reached its extent, leaving an annular segment of the sun from south to east, which was equal in depth to about one-fourth of the entire solar diameter. The darkness, probably owing to the extraordinary clearness of the atmosphere, was not so great as had been anticipated, and consequently, to ordinary telescopes, the stars, that had been marked out in the diagrams as visible, were not to be seen. The moon had passed at about a quarter to 4, and the sun re-illuminated the horizon with increased effulgence. The effects of the eclipse were much more striking to the north of Alnwick.

16—18. The Court of Assizes at Riom, in the department of the Puy de Dome, on the 16th inst., and the three following days, was occupied with the trial of M. de Vandegre, accused of having assassinated his own son, in the commune of Terjat. The witnesses for the prosecution deposed, that the son of the deceased had paid his addresses to a young servant girl, named Marie Bourdu; and the mother of the girl stated, that

he had been obliged to take refuge in their house from the fury of his parents, who threatened to murder him for trying to form a marriage against their inclinations. On the evening of the 29th of October last, the young man having gone out of their house for a short time, a report of fire-arms was heard, and the young man was found killed. Other witnesses declared that a tall man, like the prisoner, had for some nights been prowling round the house with a gun, and the brother of the intended bride of the deceased saw a tall man making his escape across the fields, after the murder had been committed. A Juge de Paix deposed to the prisoner being much troubled on his examination; and a notary declared that when he had gone to the house of the prisoner, before the murder of the deceased, to announce in a legal form that his son intended to marry, both father and mother used threatening language against the son. Other witnesses deposed that the son had been very violent against his parents at times. Two servants of the prisoner swore that he was at home the whole of the day on which the murder was committed, but one of these witnesses was placed under arrest for gross prevarication in delivering evidence. The rector of the commune declared that the prisoner had come to him to beg him to cause the publication of the bans of marriage to be forbidden in the parish where the girl lived. He replied that his power did not extend so far; upon which the prisoner declared, that sooner than let his son contract this marriage, which he considered to be degrading, since he himself was the son of a Chevalier de St. Louis, and belonged to a noble

family, he would kill him. After the murder the prisoner came to the witness to pay for a mass to be said, in order that the murderer of his son might be discovered. The witness, however, upbraided him with being the murderer himself, on account of the threats he had previously uttered, and the prisoner seemed much affected. The prisoner denied all the facts. A statement was made by several witnesses for the defence, that the woman, who laid out the corpse of the deceased, while doing so, had heard the girl Bourdu say to her mother—"Oh, mother, what a thing you have done!" The woman herself denied having said so. A verdict of acquittal was pronounced, much to the discontent of the district.

28. LOSS OF THE TIGRIS STEAMER ON THE EUPHRATES EXPEDITION. — The following despatches received at the India Board, from colonel Chesney, R.A., in command of the Euphrates expedition, announce the loss of the Tigris.

"*Euphrates steamer, Anna,*  
May 28, 1836.

"Sir,—It is with feelings of the deepest regret, that I do myself the honour of informing you, that the Tigris steamer was totally lost during a hurricane of indescribable violence, which, after the short struggle of about eight minutes, sent a fine vessel to the bottom in five\* fathoms water, and deprived his Majesty of fifteen valuable men, with five natives in addition.

"My reports up to the 17th inst., at Deir, will have informed

you that all was going on as successfully as the most sanguine could possibly desire. We found the Arabs well disposed, and quite ready to form dépôts for us of wood, charcoal, bitumen, and lignite coal, all met in abundance, and tried with complete success. In addition to these marked advantages, the survey has been carried 509 miles down the Great River, which seemed in all respects favourable; in short, all was continued prosperity up to the afternoon of the 21st inst., when it pleased God to send the calamitous event of which it is now my duty to give a feeble sketch.

"A little after 1 P. M., on that melancholy day, the flat boats being a little ahead, and the Tigris leading the Euphrates, a storm appeared, bringing with it, high in the air, clouds of sand from the west-north-west quarter. At this moment we were passing over the rocks of Is Geria (deeply covered), and immediately after we made a signal for the *Euphrates* to choose a berth, and make fast, which was done more as a matter of precaution, on account of the difficulty of seeing our way through the sand, than from apprehension that the squall would be so terrific. The *Tigris* was immediately directed towards the bank, against which she struck without injury, but with so much violence as to recoil a distance of about eight yards, leaving two men on the bank, who had jumped out to make fast. The wind then suddenly veered round, drove her bow off, and thus rendered it quite impossible to secure the vessel to the bank, along which she was blown rapidly by the heavy gusts, her head falling off into the stream as she passed close by the *Eu-*

\* The last depth sounded, and we have since found 3½ fathoms on one side of the spot, and three on the other.

*phrates*, which vessel had been backed opportunely to avoid the concussion. The engines were working at full power, and every endeavour made to turn the vessel's bow to the bank. One anchor was let go, but the heel of the vessel made it impossible to get the other out, and she was then nearly broadside to the wind, with the engines almost powerless, and the waves, rising to four or five feet, forcing their way in at the windows. Lieutenant Cockburn, the Messrs. Staunton, and some of the men made ineffectual attempts to keep out the water, for the fate of the vessel was already decided; and the fore part of the deck being under water, lieutenant Lynch came to report that the *Tigris* was sinking, and the word was immediately passed for all to save themselves. At this very instant a momentary gleam of light faintly showed the bank at the apparent distance of eight or ten yards; and as there appeared every probability that the stern would touch it before she went down, lieutenant Lynch encouraged the people to remain steady until they reached the land. All were on deck at this critical moment, some clinging to the ropes of the awning, the paddle-boards, and funnel; but the majority were close to the tiller, and all behaving with the most exemplary obedience, until the vessel went down all at once, and probably within half a minute after we had seen the bank for an instant.

"Lieutenant Lynch, who was at my elbow, dived out underneath the starboard ridge rope, at the moment when there was about four feet water on the deck, and I had the good fortune to get clear in the same way through the lar-

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board side, and also to take a direction which brought me to the land, without having seen anything whatever to guide me through a darkness worse than that of night. When it cleared a little, I found around me Lieutenant Lynch and Mr. Eden (both greatly exhausted), Mr. Thompson, the Messrs. Staunton, and several of the men. The hurricane was already abating rapidly, and as the distance from the vessel to the shore was very short, we indulged the hope that the rest of our brave companions had reached the bank lower down. For an instant I saw the keel of the *Tigris* uppermost, near the stern. She went down bow foremost, and having struck the bottom in that position, she probably turned round on the bow as a pivot, and thus showed part of her keel for an instant at the other extremity; but her paddle-beams, floats, and parts of the sides were already broken up and actually floated ashore, so speedy and terrific had been the work of destruction. From the moment of striking the bank until the *Tigris* went down, it scarcely exceeded eight minutes; whilst the operation of sinking itself did not consume more than three; indeed the gale was so very violent, that I doubt whether the most powerful vessel, such as a frigate, could have resisted it, unless she were already secured to the bank; and for this there was, in our case, little or no time, as it was barely possible, in the position of our consort, to make fast and save the vessel.

"I had little, or rather no hope, that the *Euphrates* could have escaped, but the intrepid skill of Lieutenant Cleaveland and Mr. Charlewood enabled them to get

out two anchors in the very nick of time ; and by the united means of two hawsers, and the engines working at full power, the vessel maintained her position at the bank until the storm abated, as the enclosed letter\* from captain Estcourt will explain more fully : and as it required all the powers of a fifty-horse power engine, in the case of the *Euphrates*, to keep her hawsers from snapping, I infer that the twenty-one horse of the *Tigris* would not have been sufficient to enable her to keep the position at the bank, even if the officers had succeeded in securing her along side of it.

"Lieutenant Lynch and Mr. Eden continued cool and collected until the last moment, nor were any efforts wanting, that skill or presence of mind could suggest, to save the vessel in the first instance, and the lives in the second, when the former had failed ; nor could anything be more exemplary than their conduct, and that of all on board ; scarcely a word was spoken, not a murmur was heard, and death was met with that exemplary degree of intrepidity and resignation which have been displayed by every individual throughout the arduous and trying service in which we have been engaged since January, 1835.

"Having already given a faithful account of the short but eventful period of about twelve minutes occupied by the beginning, the progress, and termination, of the hurricane, I will conclude this painful part of my task, by referring you to the inclosed return of the names of the valuable men who have been lost to his Majesty

and their country for ever. Very different was the result when a similar, but less violent gale, sent my little vessel to the bottom of this river in 1831 ; for I had not then the misery of deploring the loss of a single life, and my little schooner was afloat and continuing the descent in less than twelve hours ; whereas, all our efforts as yet have failed even to find the remains of the vessel. Not a ripple, or the slightest trace of the unfortunate *Tigris*, marks the spot where she went down ; but our search has not yet terminated, and if she should be found without having been dashed to pieces, I shall take measures to recover her with the assistance of the diving-bell, and other means ; especially as there are many valuable instruments on board, in addition to the hull and machinery, and particularly as the Arabs here are well disposed.

"I am happy to say, that the survivors of the expedition remain as much unshaken as ever in their confidence regarding the final success of this undertaking, as well as the manifest advantages, facilities, and cheapness of this line of communication. The hurricane has been, it is true, a most trying and calamitous event ; but I believe it is regarded by all, even at this early day, as having no more to do with the navigation of the *Euphrates*, in other respects, than the loss of a packet in the Irish Channel, which might retard, but could not put an end to, the intercourse between England and Ireland.

"We are therefore continuing our descent and survey to Bussora, hoping, not only to bring up the mail from India within the specified time, but also, if it pleases

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\* May 26th.

God to spare us, to demonstrate the speed, economy, and commercial advantages of the river Euphrates, provided the decision of ministers shall be in the true spirit of Englishmen—to give it a fair trial, rather than abandon the original purpose in consequence of an unforeseen and, as it proved, an unavoidable calamity.

“I have the honour to be, &c.,

“F. R. CHESNEY, Colonel,  
commanding the Expedition.

“*The Right Hon. Sir John Cam Hobhouse, Bart., President of the Board of Control.*

—  
“*Euphrates Steamer, Anna,*  
*May 26, 1836.*

“Sir, — The very unexpected nature of the hurricane in which this vessel was taken on Saturday last, the 21st inst., and the extreme violence with which it was accompanied, render it necessary that I should acquaint you with the circumstances as they affected this vessel, and that I should lay before you the conduct of Lieutenant Cleaveland and Mr. Charlewood, to whose united exertions and skill, supported by the active exertions of a most willing crew, added to the great power of the engines with which this vessel is propelled, her safety is to be attributed.

“Scarcely had we cast off from the bank, where, at midday on Saturday last, we, in company with the *Tigris*, had stopped to take in wood, when a dense cloud of dust was seen to rise high into the air, on the right bank. For some minutes it was doubtful whether it would not pass off to our right, but soon it was apparent that it would be otherwise. Preparation was made to meet the squall by furling the awnings, &c. As soon as the *Tigris*, which was

leading, as usual, had cleared a reef of rocks, at this season far under water, she made a signal to choose a berth, and make fast. Hardly was the signal answered when the gale began. The *Tigris* was rounding-to to bring up to the left bank; the Euphrates followed; but, as we neared the bank, I saw that the *Tigris* could not stem the gale and current. She had failed to make the bank, and now was falling off, with her head outwards. The Euphrates was compelled to back her paddles to give room. Our operation, as you will at once see, was full of danger; for it could scarcely be expected that she would afterwards be able to gather way upon herself against the violence of the elements and current. However, the *Tigris* having passed across our bows, we worked the engines with all power. The vessel took the bank with some violence, but did not recoil off. Instantly Mr. Charlewood was ashore, followed by many men, bearing a hawser and light anchor. Within a few seconds a second anchor and chain-cable had been got ashore, and these were followed rapidly by a second chain-cable and anchor. Lieutenant Cleaveland kept the engines working the whole time, notwithstanding which, and the anchors and cables fixed ashore, the vessel still drove. However, the gale was soon over, and the vessel was safe.

“The density of the cloud of dust excluded from my view the *Tigris* from the moment she crossed our bows; Mr. Fitzjames, in the midst of the storm, reported to me, first, that she was upset, and then that she had gone down. As soon, therefore, as our own danger had ceased, and that the Euphrates was secured, I sent off a party

ashore, under lieutenant Murphy, to render what assistance he might be able to the crew of our consort, whilst Mr. Charlewood pressed me to allow him to go by boat; this I did as soon as it was safe.

"Of the remainder of this melancholy tale, of the total loss of the Tigris, and the few who escaped to find a shelter on board the Euphrates, you yourself are well acquainted.

"I have only to repeat, that to Lieutenant Cleaveland and Mr. Charlewood, and indeed to the whole crew of the Euphrates, the highest praise is due.

"I have the honour to be, &c.

"J. W. BUCKNALL ESTCOURT,

"Captain, 43rd Light Infantry."

"Colonel Chesney."

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"On board the *Euphrates Steamer*, off *Anna*, May 26.

"Return of officers and men belonging to the Euphrates expedition who were lost on the river Euphrates, near Wordie, by the sinking of the Tigris steamer, during a violent hurricane, on the 21st instant.

"Lieutenant R. B. Lynch, 26th regiment Bengal Native Infantry, passenger; Ensoff Sader, interpreter; John Struthers, engineer.

"Royal Artillery—Lieutenant Robert Cockburn, acting serjeant R. Clark, Thomas Jones, gunner, Robert Turner, ditto, James Moore, ditto, James Hay, ditto.

"Sappers and Miners—Archibald M'Donald, private.

"Seamen—Benjamin Gibson, John Hunter, Thomas Booth, Thomas Batty, George Liddel.

"Natives—Aboo, Wasoo, Jacoob John, Manneh, Pedros.

"H. BLOSSE LYNCH, lieut."

30. FIRE AT PRIOR-PARK,

(ROMAN CATHOLIC COLLEGE,) BATH.—At about a quarter to six o'clock at night a dense and black smoke was observed, issuing from the roof of the front half of the eastern part of the mansion. This was speedily followed by flames; and the fire, aided by a slight breeze from the east, spread quickly along the building, till, in about an hour from the first discovery of it, the whole roof was wrapped in one general conflagration. Shortly afterwards the roof of the building fell in; and, the ceiling above the extensive library having given way, the destruction advanced with terrible rapidity. From the strong current of air in this part of the mansion, the fire made fearful advances. At eight o'clock the whole library was one blaze, and the flames showed themselves in the noble entrance hall of the mansion, situated under the library, and supported by about twenty beautiful pillars, besides pilasters of the Corinthian order. Up to this period, the fire had only faintly developed itself in the rear of the building—the side towards Coombe Down; but about sunset the wind suddenly rose, and having about half-past eight veered round to nearly the N.E., the sight of the immense body of flame which rushed out at the back and the S.W. corner of the edifice was awful in the extreme; in fact, the heat was occasionally insupportable at the distance of twenty yards. The chapel belonging to the establishment, which is a rich example of Palladian architecture, occupied the extremity of the whole eastern end of the edifice. During the progress of the flames, the utmost efforts were exerted to prevent its interior from receiving any material injury: and these efforts were in a great degree crowned with

success. But the flames spread so quickly to the upper part of the mansion, that the roof of the chapel was speedily consumed, and fears were entertained for the safety of the organ. The engine belonging to the West of England fire-office played, however, with great effect on the parts adjacent to this instrument, which being defended from above by a stone gallery reserved for the accommodation of the bishop and his private friends, was saved. It was removed between eight and nine o'clock. The chapel roof fell in at about half-past seven o'clock. When it was found impossible to save the chapel entire, the "Tabernacle," and other moveable parts of the altar, composed of jasper, statuary, lapis lazuli, &c., were taken to a place of safety, without having sustained much injury. It was found impossible to remove the front and remaining parts of the altar, which consist of a very costly piece of African jasper, surrounded by a border of white statuary, having the base and sides of black and gold. These portions of the altar, however, remain uninjured, the chancel having been protected by a semi-dome.

At about a quarter to nine the fire had extended to the first floor, that immediately above the basement, from the windows at the south end of which, in consequence of the wind having somewhat risen, it raged most furiously. Soon after their appearance in the first story of this splendid building, the flames spread themselves through it from end to end, and in a short time bishop Baines's private chapel, in the western extremity of the mansion, was destroyed. The fine dome and columns, of

the Ionic order, with the beautiful bas relief in front of the altar, erected by the bishop, were soon involved in one general wreck.

At about ten o'clock nearly the whole of the floors had fallen in, and the destruction was complete.

The fire was confined to the centre mansion, which consisted of the bishop's residence, the library, the chapel, the strangers' apartments, and some domestic offices. The two colleges, which are situate at some distance from the main buildings, are fortunately uninjured. The main walls and beautiful portico still remain; and, from the durable and substantial manner in which the building was erected, a great portion of the stonework will be available in the future reparation of the building.

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## JUNE.

1. CORRESPONDENCE WITH SIR F. BURDETT ON THE SUBJECT OF THE COBBETT MONUMENT.—"SIR,—I am directed by the Provisional Committee to acquaint you, that the public meeting, for originating a subscription for erecting a monument to the memory of the late William Cobbett, M.P., will be held at the Crown and Anchor Tavern, on Monday, the 13th of June next; and that Daniel O'Connell, Esq., M.P., has promised to take the chair.

"I am further directed to express the anxious hope of the committee that you will favour them with your presence and powerful influence; and, as it is desirable to make proper arrangements for members of Parliament and others who may attend the meeting, I

shall feel obliged by a letter expressive of your intentions.

"I have the honour to be, Sir,

"J. OLDFIELD, Secretary,

"11, Bolt-court, Fleet-street.

"*To Sir Francis Burdett.*"

"SIR,—A letter from you, dated the 16th of May, having followed me here, I lose not a moment in returning, according to your request, an answer.

"You invite me to a meeting to be held on the 13th of the month, at the Crown and Anchor, at which Mr. D. O'Connell is to preside, for the purpose of raising a subscription for a monument to be erected to the memory of the late Mr. Cobbett. The application is unique, as the French say, seeing that whoever attends that meeting becomes a public voucher for the honesty, disinterestedness, and patriotism, of the said Mr. Cobbett. Now, as I believe, or rather know, the reverse, and as all the world besides know my opinion and experience thereon, it would be something worse than foolish in me to attend such a meeting, and I can only wonder at the application. At the same time, I cannot but acknowledge that the united empire could not furnish a more appropriate chairman. Nor can I offer to the committee any contribution more appropriate than Mr. Cobbett's bonds now in my possession, which, as considerably more than fourteen years have elapsed since the money was lent, will amount to considerably more than 8,000*l.* I trust the committee will think this a handsome and suitable offer.

"I remain, gentlemen, your most obedient servant,

"F. BURDETT.

"*Leamington, June 1, 1836.*"

#### RE-APPEARANCE OF A PERSON SUPPOSED TO HAVE BEEN DEAD.—

Captain Davidson, of Muirhouse, some years ago had succeeded his father in the valuable entailed estates of Muirhouse and Hatton; he was married, and was the father of several children. After his succession he mortgaged his life-interest in the entailed estates so deeply, that he had almost no surplus, and his life was insured, with various insurance companies, to the amount of 18,000*l.* He executed a deed or settlement of his affairs, to take effect at his death, in favour of Mr. Cunningham, the present solicitor-general for Scotland, Mr. James Simpson, of the Scotch Bar, and Mr. Andrew Dun, Writer to the Signet. In the summer of the year 1834 he passed some days at Herne Bay, and all the world believed, as was intimated in the public journals, that he was drowned there, when bathing from the outer end of the pier. His body was never found, but his clothes were; and the circumstantial evidence of his death was so strong that the insurance companies paid the 18,000*l.*, taking obligations from those, to whom the payments were made, to refund, and security from some of them to do so, in case of Captain Davidson's re-appearance. His eldest son was served heir by a jury upon evidence on oath of the circumstances from which Captain Davidson's death was inferred. His son accordingly entered into possession of the entailed estates, borrowed 2,000*l.* in that capacity, and granted bond over the entailed estates for the interest and premiums of insurance on his own life. The trustees were consenters to this bond, but did not join in the obligation for

payment. The heir renewed charters, and granted such conveyances of small parts of the estate as the Scotch entail law allows. The trustees provided for the younger children and widow in terms of the entail and settlement. In short, every thing went on as if Captain Davidson were dead. More than six months ago, however, he communicated to his sister the fact of his being alive, first by letter, then by personally appearing, but enjoined her to secrecy. He afterwards came to Edinburgh in disguise, and appeared in the streets. It is said that lord Cockburn, one of whose sisters is Captain Davidson's step-mother, saw him on the mound, in Edinburgh, and went home and told his wife that he (meaning himself) must be going to die, as he had most assuredly seen William Davidson's ghost. Davidson afterwards sat on the parapet wall of the Prince's-street gardens, for days, looking up to the windows of the house in which the supposed widow lived, and looking at his children as they went out and came in. He also hovered about Murchiston Castle, where one of his sons was boarded. By these proceedings he was at last detected. A criminal warrant was obtained against him; he fled, and was not arrested. His creditors applied to the Court of Session for sequestration of the rents of his estate.

3. On trying the strength of the new suspension-bridge over the Rhone, at Givors, near Lyons, some of the ironwork gave way, and the platform fell into the river. Several persons were on the bridge at the time, and went down with it. The journals differed in their accounts of the mischief occasioned.

According to the *Mercurie Segusien* of St. Etienne, forty persons were carried away by the fall. The director of the works was taken up horribly mutilated, and, from the latest accounts, it appeared that six persons, all workmen, were drowned. The others escaped with little injury.

**INCREASE OF ROMAN CATHOLICS IN SCOTLAND.**—The general assembly of the church of Scotland has this session occupied itself with the increase of Popery. The subject having been referred to a committee, a report from that committee was read to the assembly:—"About a century ago, Popery had been almost entirely confined to the remote districts of the country; but it now reared its front in the large towns, where splendid churches were rapidly rising for the celebration of its idolatrous ceremonies. This increase in the Lowlands was, according to report, to be, in a great measure, accounted for by the influx of Irish labourers; and it particularly mentioned that Glasgow now contained more Catholics than in 1679 existed in all Scotland, and that Dundee, where half a century since, the Catholics amounted to about fifty, now contained a Catholic population of 5,000." This report, in conclusion, recommended that the assembly should express its approbation of the exertions now making in different parts of Scotland to maintain Protestant principles by public controversy, sermons, and cheap publications, and earnestly advised the prudent employment of these means where Popery abounds, or Protestant zeal declines.

— **SENATORIAL JOBBING IN THE UNITED STATES.**—The letters of Messrs. Bishop and Kemble (New York senators charged with jobbing on their information and

influence acquired as legislators) to Barston, the cashier of the Commercial Bank, have been published in the New York papers. Some of the matter is curious. In the first letter, for example, Kemble says, "Long Island rail-road will be delivered on Thursday. Delafield has obtained 2,000 shares. We have been advised by him that it is a good and safe article. Having about 175 shares, we design to buy up 10,000 dollars more, and, in alliance with Delafield, run it up. We have also bought twenty shares of the Planter's Bank of Tennessee. The knowing-ones say it must advance. You need not fear that we are sucked." In a subsequent letter, Kemble, after mentioning, in a cursory way, some of his successful stock operations, shows in what manner preparations were making for others of greater importance and more certain success. He observes, "There is a project on foot to get the Rensselaer and Saratoga railroad into market here. Seymour, of the Farmers' Loan Insurance Company, and Delafield, are working sily. If they go, as I think they will, they will run it up as they run up the Saratoga and Washington. I can get, I think, some forty or sixty shares, and it seems to me a sure object." One of the speculations into which Bishop entered largely, both as an original shareholder and a purchaser, was the Harlem railroad. In one of his letters, dated May 26th, 1835, he says, "We sold all our Harlem, purchased and on subscription, yesterday afternoon, 112 to 112½. To day it is worth more; but it is a *d—d bubble*. I would engage to sell at thirty days for 105." "We yesterday purchased 350 shares of the Long Island Railroad, at 102½ to 103.

I would take 1,000 more at the same price. Seton and Webster, jointly, had only fifteen shares assigned them. Seton is ferocious, and swears he will never do the 'clever thing' again for such heartless scoundrels. By the by, orders have been received to-day from Albany (the seat of the legislature) to purchase 500 shares of Utica at 129. Whose work is this?" The Seymour above mentioned is stated to be the president, and Delafield, one of the directors, of the Farmers' Insurance Company. On the "Long Island" speculation Kemble, in a letter dated the 6th of October, says, "The wished-for event has arrived, Long Island has gone up, and may go up or down, as we determine. I have negotiated day after day, and kept the business unfinished, until an impression has gone abroad in Wall-street that a combination has been formed. But I have not pledged our stock, and it can probably be sold at 105 or upwards, or a most excellent arrangement can be made to run it up, and then dispose of it. Those who have been buying largely on time are now in our power, and are willing to come to almost any terms." These extracts will be sufficient to show the character of the transactions in which Messrs. Kemble and Bishop were engaged. The genuineness of these letters was admitted by themselves; yet there was great doubt if the senate would proceed to any strong measure against them. In the meantime they had resumed their places in the senate, and were permitted to vote even on questions which had an indirect bearing on the charges against them.

11. COURT OF COMMON PLEAS.  
—*Ranson and others v. Dundas and another.*—This was a proceeding

instituted under the 9th of George 4th, chap. 22, for the recovery of the costs sustained by the plaintiffs in prosecuting the petition against the return of Captain Dundas and Mr. Fitzroy Kelly, the late members for the borough of Ipswich. By the 58th section of the act, it is provided that, whenever a committee appointed in manner therein directed, shall report to the house with respect to the opposition made to a petition by any party or parties appearing before them, that such opposition appeared to be frivolous or vexatious, the person or persons, who shall have signed such petition, shall be entitled to recover from such party or parties their full costs and expenses incurred in prosecuting such petition. After directing the manner in which such costs shall be ascertained and taxed, the act goes on to direct by the 63rd section that it shall be lawful for the parties entitled to such costs to demand the whole amount thereof, as certified by the Speaker to be due to them, from any of the persons made liable by the said act for the same, and in case of non-payment thereof, to recover the same by action of debt in any of his Majesty's courts of record, in which action it shall be sufficient for the plaintiffs to declare that the defendants are indebted to them in the sum to which the costs so ascertained shall amount; and the certificate of such amount, so signed by the Speaker, shall have the force and effect of a warrant to confess judgment; and the court in which such action shall be commenced shall, upon motion, and on the production of such certificate, enter up judgment in favour of the plaintiffs named in such certificate for the sum specified therein, to be

due from the defendants in such action, in like manner as if the said defendants had signed a warrant to confess judgment in the said action to the said amount. The present plaintiffs having obtained the Speaker's certificate against the defendants for the sum of 4,694*l.*, as the costs occasioned by their opposition to the petition against their return for Ipswich, a rule was obtained in Michaelmas term last, calling on the defendants to show cause why judgment should not be entered up in favour of the plaintiffs for that amount. Against that rule cause was shown in Hilary term on the part of the defendants, who objected that the certificate was invalid—1st, because the proper recognizances had not been entered into by all the petitioners; 2dly, because the returning officer, who was charged by the petition with misconduct, had not been summoned to attend at the striking of the committee; 3dly, because so much of the petition as prayed that Mr. Morrison and Mr. Wason be declared the sitting members, had been successfully resisted, and yet the whole costs of the opposition were included in the amount of the certificate; and 4thly, because the certificate improperly included certain costs of taxation and other charges which could not be legally enforced against the defendants. To these objections it was urged on behalf of the plaintiffs in the following term:—1st, that the proper recognizances had been entered into in the manner prescribed by the act, but, even if they had not, the objection ought to have been taken at the time, and now came too late, the more especially as the defendants, being the defeated parties, had nothing

to complain of in not having security for costs, which were awarded against them; 2dly, that it was not requisite to summon the returning officer to be present at the striking of the committee; and that, even if it were, the defendants, by appearing before the committee by their counsel, had waved any irregularity that might have existed in the mode of their appointment, and thereby concluded themselves from now taking any such ground of objection. Then with respect to those parts of the costs alleged to have been improperly included in the amount of the certificate, the defendants were precluded from urging any objection, as by the words of the 63rd section of the act the certificate was made "conclusive as to the amount of all demands."

The Court having taken time to consider of their decision on these points, the lord chief justice today, at the sitting of the court, pronounced that decision. His lordship recapitulated the several grounds of objection which had been taken, and having overruled them all, concluded by ordering the rule for entering up judgment against the defendants for the full amount of the certificate to be made absolute.

**THE WRECK OF THE FRANCIS SPAIGHT.**—The Francis Spaight, a fine vessel of 345 tons burden, laden with timber, sailed from St. John's, Newfoundland, on the 24th of November, 1835. The crew amounted to fourteen men, with the captain and mate, many of whom were indifferent hands. They were mostly boatmen trained on the Shannon, some from Kilrush, a few from Tarbert, and one or two from Foynes. Nothing could be finer than

the weather for the first eight or ten days of the voyage, but it afterwards came on to blow so hard, that they were obliged to drive before the wind under a mizen topsail. On December 3rd, at 3 o'clock in the morning, an alarm was raised by a cry and confusion on deck; the vessel, it appeared, either steering wild, through the carelessness of the helmsman, or perhaps from her bad trim, suddenly broached to, and lay like a log in the trough of the sea. The day had not dawned at the time; it was still very dark, and the waves broke so frightfully over her, that the captain or mate could not get the men to obey their directions, nor even when she was filling rapidly with water, could he get them to work the pumps. In less than an hour she lay on her beam-ends, the greater part of her crew saving themselves by climbing on her side and clinging to the rigging. Pat. Cusack and Pat. Behane, however, were drowned in the fore-castle, and William Griffith, the mate, in the after cabin, into which he had gone accidentally only a few minutes before. The captain, and a man named Murville, now got to the fore and main masts, and cut them away; the mizen topmast went with them over the side, and the ship almost immediately righted. As soon as she righted, being already filled with water, she settled down in the sea, and there was scarcely any portion of her to be seen except the poop and bulwarks. No situation could be more hopeless or miserable than that of the unfortunate crew, standing ankle-deep on the wreck, in the depth of a winter's night, and clinging in the darkness to whatever was nearest, as sea after

sea rolled successively over them ; but they knew not the full horror of their condition until the dawn of the morning, for which all were looking eastward with intense anxiety. They then discovered that their provisions had been washed overboard, and as the holds were filled by the sea, they had no means of coming at any fresh water. The gale continued through the morning, and the dreadful swell every now and then swept over the decks, so that, for safety as well as for shelter, they gathered into the cabin under the poop. Even here, she was so deep with water, that a dry plank could not be found on which they might lie ; their only rest was by standing close together, huddled up, and leaning against one another. At about 10 o'clock in the forenoon a vessel was suddenly descried to the westward, and for some time it was thought her course might be near them ; but she stood far away beyond the reach of signal, and was soon out of sight. That day and the next passed away without the slightest change in the weather. On the third it began to moderate. During the whole of this period the crew remained standing in the cabin, leaning against one another, or against the ship's sides, unable to take rest or sleep.

Their greatest suffering was hunger, or rather a sinking at the stomach, and from thirst, neither of which had they any conceivable means of allaying. There were fifteen hands alive, and of these not one had tasted a morsel of food since the wreck ; and for drink they had only three bottles of wine, which were found in the cabin ; this was served out in wine-glasses at long intervals.

There was some occasional rain, which they were not prepared at first for saving, getting but a scanty supply by holding the cover of a tureen under the saddle of the mizen-mast. In seven days after the appearance of the first vessel, another was seen on the weather-quarter, outward bound, and only four miles north. The hopes of the crew were again revived, and their anxiety was intense for a short time. An ensign was hoisted on the mizen-mast, and part of a sail ; the day was very clear, and she could not but see it, at least the wretched men thought so ; but she bore away like the former, and was soon lost to their view. Despair was now in every countenance. How they lived through the succeeding five days it would be hard to tell, but no one tasted food ; some few endeavoured to eat the horn buttons of their jackets, the only substitute for nutriment that occurred to them. There were no means of catching fish, and though birds were sometimes seen flying past, they had no means of bringing them down. Horrible as this situation was, it was made yet worse by the conduct of the crew towards one another. As their sufferings increased, they lost all command of temper, and became cross and selfish in the extreme—such as were strong securing a lying place on the cabin floor, and pushing aside those who were weak to shift for themselves as they could in the wet and cold.

On the 19th of December, the 16th day since the wreck, and since they had tasted food, many of the men were gathering together in groups, and something seemed to be in agitation amongst them. The mystery was cleared

up in the course of the day. When they all happened to be collected together in the cabin, the captain came off deck and addressed them about their desperate condition. He said they were now such a length of time without sustenance, that it was beyond human nature to endure it any longer—that they were already on the verge of the grave, and that the only question for them to consider was, whether one or all should die? That at present it seemed certain that all must die, unless food could be procured, but that if one died, the rest might live until some ship came in view. His opinion was, that one should suffer for the rest, and that lots should be drawn between the four boys, as they had no families, and could not be considered so great a loss to their friends as those who had wives and children depending on them. The lot having been cast, it fell upon a boy named O'Brien. The poor fellow heard the announcement without uttering a word. His face was very pale, but not a feature of it was changed. The men now told him he must prepare for death, and the captain said, it was better it should be done by bleeding him in the arm, to which O'Brien made no objection. The captain then directed the cook, John Gorman to do it, telling him it was his duty—but Gorman strenuously refused. He was, however, threatened by the men with death himself, if he continued obstinate, and he at last consented. O'Brien then took off his jacket, without waiting to be desired, and after begging the crew, if any of them ever reached home, to tell his poor mother what happened to him, bared his right arm. The cook cut his veins

across twice with a small knife, but could bring no flow of blood, upon which there seemed to be much hesitation among the men as to what could be done. They were relieved by the boy himself, who immediately desired the cook to give him the knife, as he could not be looking at him without putting him to pain. When he got the knife, and was about to cut the vein, the captain recommended him to try his left arm, which he accordingly did. He attempted to open the vein at the bend of the elbow with the point of the knife, as a surgeon would, but, like the cook, he failed in bringing blood. A dead consternation now fell upon all; but in a minute or two the captain said, "This is all of no use, 'tis better to put him out of pain by at once bleeding him in the throat," and some of them said it was true. At this O'Brien for the first time looked terrified, and begged hard that they would not do so, but give him a little time; he said he was cold and weak, but if they would let him lie down and sleep for a little he would get warm, and then he should bleed freely. To this wish there was some expression of dissent from the men, and the captain shortly after said to them, "that it was useless leaving the boy this way in pain, 'twas best at once to lay hold of him, and let the cook cut his throat!" O'Brien now roused, and driven to extremity, seemed working himself up for resistance, and declared he would not let them; the first man, he said, who laid hands on him, 'twould be worse for him; that he'd appear to him at another time; that he'd haunt him after death. The poor youth was,

however, soon got down, and the cook was once again called upon to put him to death. The man now refused more strenuously than before, and another altercation arose; but weak and irresolute, and seeing that his own life would be taken instead of O'Brien's, if he persisted, he at length yielded to their menaces. Some one at this time brought him down a large case-knife that was on the poop, instead of the clasp-knife that he had at first prepared, with which, pale and trembling, he stood over O'Brien, who was still endeavouring to free himself from those who held him. One of them now placed the cover of the tureen (which they before used to collect the rain) under the boy's neck, to save the blood, and several cried out to the cook to do his duty. The horror-stricken man over and over again endeavoured to summon up hardihood for the deed; but when he caught the boy's eye, his heart always failed him, and then he looked supplicatingly to the men again. Their cries and threats were, however, loud for death—he made a desperate effort—there was a short struggle, and O'Brien was no more.

As soon as this horrid act was perpetrated, the blood was served to the men; but a few of them, among whom was Mahony, refused to partake of it. They afterwards laid open the body, and separated the limbs; the latter were hung over the stern, while a portion of the former was allotted for immediate use. Shocked as, for the sake of human nature, it is to be hoped many were at the scene they had just witnessed, a gnawing hunger came upon them all, when they saw even

this disgusting meal put out for them, and almost every one, even the unwilling boys, partook more or less of it. This was the evening of the sixteenth day. They ate again late at night, and some greedily; but the thirst, which was before at least endurable, now became craving, and as there was no more blood, they slaked it with salt water. They then lay down to rest, but several were raving and talking wildly through the night, and in the morning the cook was observed to be quite insane—his eyes inflamed and glaring, and his speech rambling and incoherent; he threw his clothes about restlessly, and was often violent. His raving continued during the succeeding night, and in the morning, as his end seemed approaching, the veins of his neck were cut and the blood drawn from him. This was the second death. On the night of that day Michael Behane was mad, and the boy George Burns on the following morning; they were both so violent that they were obliged to be tied by the crew, and the latter was eventually bled to death, like the cook by cutting his throat. Michael Behane died unexpectedly, or he would have suffered the same fate. Next morning the captain came off deck, and feeling too weak and exhausted to keep a look-out any longer, desired some one to take his place above. Harrington and Mahony went up very soon after: the latter thought he could distinguish a sail, and raised a shout of joy, upon which those below immediately came up. A ship was clearly discernible, and apparently bearing her course towards them. Signals were hoisted with as much alacrity as

the weakness of the survivors would allow, and when she approached, and was almost within hail, their apprehension of her passing by, like the former vessel, was so great, that they held up the hands and feet of O'Brien to excite commiseration. The vessel proved to be the *Agenorina*, an American. She put off a boat to their assistance without any hesitation, although the weather was so rough at the time and there seemed to be such an apprehension of its swamping, that the crew came out in their shirts. The survivors of the *Francis Spaight* were all at length safely got on board the American, where they were treated with the utmost kindness. — *Limerick Star* of the 14th June.

16. SHERIFFS' COURT. *Ball v. Hawley*.—This was an action of anovel nature. The plaintiff, a hairdresser at the Circus, Blackfriars-road, sought to recover of the defendant, a baker in the same neighbourhood, the sum of 4*l.* 1*s.* 6*d.* for a quantity of hair alleged to have been destroyed through his negligence. It was proved on the part of the plaintiff that he had baked fronts and curls in the defendant's oven, for which he paid the price of common baking. The practice was, to put the ladies' curls into sand, and then into a tin case, and bake them at a moderate temperature for two hours. On the 15th of May, 1835, a baking of this description was sent for, and when taken out of the oven, was found to be destroyed. The plaintiff had made the damage good to his customers, and claimed on that account the sum now sought to be recovered.

The Jury found a verdict for the plaintiff.

22. At the chapel of Arles in

the county of Carlow, a man, named Thomas Dowling, approached the rostrum on which a few of the anti-tithe conspirators were perched, and informed the party that he was deputed, by about 1,000 labourers to make known their sentiments at that meeting, and was therefore determined he would be heard. He stated, that while the farmers were putting the tithes into their pockets, they were grinding their labourers into dust, by extorting enormous rents from them, in many instances 8*l.* and 10*l.* per acre for potato-ground. As they saw no hope of redress, they were determined to see themselves justified; and accordingly, on the part of the 1,000 labourers, he demanded, that each cotter should get his cabin for a moderate rent, and an acre of land to cultivate, for one-half the sum paid for it by the farmers, in order to meet the expenses of clothing and maintaining their families. If their request were not complied with (said the speaker), the labourers were determined to turn out and compel the farmers to pay the tithes to the Protestant clergy. If they conceded their claims, they had no objection to support any measure for their abolition; but, at all events, they were determined no longer to be humbugged by the men who were putting the tithes into their pockets. A priest stated that the labourers certainly should be looked to, and that the farmers should adopt measures to better their condition. The tithe defaulters on hearing this intelligence quickly terminated the proceedings.

— WRITS OF REBELLION—  
PAYMENT OF TITHES.—The Court of Exchequer, by the firm

maintenance of its authority, has performed miracles in this country. Districts, that would have been openly in arms against the payment of tithes, are perfectly tranquil; the labouring classes being busily engaged in their rural avocations, while the tithe conspirators, who harangued at public meetings, and talked of their rights, are paying their tithes most cheerfully.—*Carlton Sentinel*.

25. The Aberdeen and Leith steamer, *Brilliant*, touched in the harbour of Aberdeen, having on board a number of the 42nd Regiment, from Fort George in Edinburgh. One of the privates, who for some misdemeanour was shackled, leaped overboard, and swam for the Torry side. A boat was instantly despatched after him, and soon overtook him; but he dexterously evaded all attempts to capture him, by diving below and starting up on the other side. Another boat was got ready, and it required the united efforts of both crews to secure the deserter, who appeared to be quite a master of the art of swimming.

26. PERILOUS BALLOON ASCENT IN PARIS.—The ascension of Mademoiselle Garnerin, from the Champ de Mars, had been fixed for 7 o'clock. About a quarter past 8 considerable discontent began to be exhibited by the crowd, who hissed and hooted; when Mademoiselle Garnerin, notwithstanding the entreaties of her friends and of the commissary who presided, insisted upon ascending, and cried to the persons who were holding down the balloon to let go the cords. This was done in such confusion, that one of the men caught the silk of the parachute, and a loud crash was heard, as the

whole apparatus ascended rapidly towards the plain of Grenelle, evidently in disorder. "She is lost, she is lost," exclaimed hundreds, as she rapidly mounted. About five minutes elapsed in this painful suspense, when she was seen gradually descending, the parachute on one side, but evidently supporting her. Her escape was hailed by a universal burst of applause, her fate being deemed inevitable, and she fell on the plain of Grenelle; when taken up she swooned, and was immediately put in a coach and conveyed off.

25. ATTEMPT ON THE LIFE OF THE KING OF THE FRENCH.—At a quarter past six this evening, at the moment the king, with the queen and Mademoiselle Adelaide, was leaving the Tuilleries, to return to his country residence at Neuilly, and while the carriage was passing under the gateway on the water side, a young man, who had stationed himself opposite to the post of the National Guard, raised a gun made in the form of a walking-stick, placed the other end of it on the coach window, which was open, and fired at the king. At that instant the king had advanced his head to the other window, and was returning the salute of the national guardsmen. Whether the assassin was too much agitated to take proper aim, or that he was, as is said, pushed at the moment when he tried to take aim, the ball did not touch the king; his majesty hastened to make it known that he was not wounded, and continued his way to Neuilly. The movement which his majesty made in bowing saved his life. The wadding stuck to the king's whiskers, and the carriage was com-

pletely filled with the smoke caused by the explosion. The ball lodged in the upper pannel of the carriage, whence it was subsequently found. The assassin was instantly secured by a national guard on duty at the flag-post, and was conducted to the guard-room by a number of the same corps, who had considerable difficulty to screen the prisoner from the fury of those who saw him commit the crime.

By a singular coincidence, one of the national guards, who first rushed upon the assassin, is a gunsmith, named Devismes, residing in the Rue de Helder, and was the very individual from whom the cane-gun used in this attempt upon the king's life had been obtained. As soon as the assassin was brought into the guard-house, Devismes exclaimed, "I know him." On being asked to explain what he meant, he examined the prisoner with the utmost attention, and then said, "yes, I am sure it is the man I sent the gun to." He added, that about three months since, this young man called at his shop and represented that he was a commercial traveller in the silk-trade, that he was about to proceed on an extensive journey into the departments, and that he would be glad to undertake an agency for the sale of M. Devismes's newly-invented cane-guns, which he had no doubt he could dispose of in large quantities. Devismes accepted the proposal; but not having previously known the young man, he asked him for his name and address, promising to send the guns to his lodgings. He said his name was Alibeu, and that he resided in the Rue de Valois, at the hotel de ——. In the course of a few days, M. Devismes called at the address; but on

going up stairs, and knocking at the young man's door, he refused to open it, alleging as an excuse that he was undressed, and was not alone. Satisfied that the young man had not given a false name and address, M. Devismes consented to entrust him with three guns on his presenting himself at his shop that day or the following. The proprietor of the hotel where the prisoner lodged was sent for, and on his arrival fully identified his lodger.

The assassin was a young man, of dark complexion, and with a long beard, in which his chin was completely hidden. His dress, apparently smart and respectable, concealed a shirt extremely dirty, and which, according to his own admission, he had not changed for the last three weeks. On his person were found two short clay-pipes, twenty two sous in money, a cotton pocket handkerchief unhemmed, and as dirty as his shirt, a beard-comb, and a poniard-knife with a silver handle: it was open in his pocket, the blade merely covered with paper. On being questioned as to his object in carrying this instrument, he said it was to stab himself; and indeed from the moment he was arrested, he made various attempts to plunge the poniard into his bosom, but was at last disarmed by the National Guards. Stretched at full length upon the guard-room bed, he gazed furiously on all around, and declared that "if he was at liberty he should do the same thing again."

M. Villier, quarterly physician of the Tuilleries, being called in to visit him at the guard house, found on feeling his pulse, that it was for the first minute up to 120, and the second at 112. He bled

copiously from the nose, and in answer to a question from the doctor, said it was not surprising, considering that he had not taken any solid food for a fortnight. On being asked his age, he said that he was twenty-five three days before.

M. Dupont, adjutant of the police of the Tuilleries, having asked Alibeu whether the poniard found upon him was intended to stab whoever might attempt to arrest him, he replied, "No, lieutenant, it was for myself." The following are some of the answers he gave on being interrogated in the guard-house, immediately after his arrest:—"No, I do not repent. One may repent of a bad action, but never of a good one; you cannot comprehend me, for you know not what misery is. For my part, when I am starving, I do not ask charity. I kill him who prevents me from earning my bread. I have only one regret, and that is, at not having succeeded. When a man does what I have done, he has previously determined on sacrificing his life."

M. Devisme having, in a mixed tone of reproach and commiseration, said to him, "Unfortunate man, how could you commit such a deed?" Alibeu answered with great coolness—"Stop, M. Devisme; don't let us talk of that, for you cannot comprehend me. You are a very good man, M. Devisme, and I esteem you, very much. How is your wife?" He asserted that he had no accomplice. On being questioned as to his means of subsistence, he declared that he had lived nearly a week on bread and water, which he had obtained from the sale of a book for thirty-two sous. This fact was confirmed by other testimony.

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29. SHERIFFS' COURT.—(*Before the Under-Sheriff and a Special Jury.*)—BUNN v. MACREADY. — This case came before the Court in the form of an inquiry to assess the damages to be paid by the defendant for an assault committed upon the plaintiff, the lessee of Drury-lane Theatre.

George Algar.—Is engaged at Drury-lane Theatre, and was employed there on the evening of the 29th of April last. Mr. Macready performed that evening. As he was walking down the passage into which Mr. Bunn's private room door opened, Mr. Macready pushed him gently on one side and passed him. He then remarked, that, on Mr. Macready's arrival at Mr. Bunn's room door, he opened it, and entering at once, without the least provocation being offered to him, walked up to the table at which Mr. Bunn was sitting, and struck him a violent blow on the face. He did not hear any conversation or words pass between Mr. Bunn and Mr. Macready, and was so near to them, that had anything been said, he must have heard it. At the time Mr. Macready entered the room, Mr. Bunn was sitting at the table looking over some papers, by the light of a lamp having a green shade upon it. The blow was a very violent one, and was upon the eye; but he could not exactly say whether Mr. Bunn at once fell down from its force or not. He went instantly to tell Mr. Wilmot the prompter, what he had witnessed, and that gentleman ran to Mr. Bunn's assistance.

Dr. Billing.—Is physician to the London Hospital. Is a friend of Mr. Bunn, and has been in the habit of attending him for some time. Remembered the night of

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the assault, when he was sent for about nine o'clock to go to the theatre. On his arrival there he found Mr. Bunn lying on some chairs or a sofa in a corner of the room. Mr. Lane, an apothecary, had been there before him, and had applied something to the injured parts. Leeches, he thought, had, amongst other things, been applied to the eye. The leg was also up on the chair, and the ankle, which was very much swollen, was being bathed with a lotion. The eye was enormously swollen, so much so, as to require the use of the hand to lift up the lid. There was a considerable quantity of extravasated blood about it, and there was likewise a large swelling on the top of the head, inclining to the right side. Considering the injuries to be such as to require the assistance of a surgeon, — the hair being much torn, and, in consequence, an appearance of much discoloration about the neck, and the ankle presenting an aspect which induced a supposition that some of the small bones might be broken, or that some of the ligatures might be ruptured, he instantly drove off in his cab for Mr. Hamilton, with whom he returned. Mr. Bunn was shortly afterwards assisted to his carriage, in which, whilst suffering great torture, he was conveyed to his house at Brompton. The case being one of purely a surgical character, Mr. Hamilton continued to attend, he himself, however, visiting Mr. Bunn very frequently. Mr. Bunn was not in a situation to be moved from his bed for several days, and was confined to the sofa for ten or twelve days; and so severe was the injury inflicted on the ankle that, whilst in bed, a number of pillows were obliged to

be placed under the leg to keep it in a proper position. The pain caused by such an injury was far greater than would usually arise from a broken leg.

Mr. A. Hamilton, the senior assistant-surgeon at the London Hospital, described the injuries Mr. Bunn had received. In his opinion it would be two or three months before the leg would be restored. Had sent in an account to Mr. Bunn, which amounted to 44*l.*, and there was still another account running on, as his attendance was even yet necessary to apply plaisters and bind up the leg. Was related to Dr. Billing. Did not see Mr. Macready on the night in question, and had not heard of his having received any injury.

Mr. Sergeant Talfourd, in a very long speech, addressed the jury for the defendant, and complained in bitter terms of the way in which the plaintiff's case had been got up. He then contended, that Mr. Bunn had indulged in a series of insults and attempts to degrade his client, which, to a certain extent, went far in mitigation of an act, the commission of which he deeply lamented. The learned gentleman next complained that the counsel on the other side had had recourse to a statement of which he had not attempted to offer one word of proof, and concluded by regretting that he could not be permitted to show the unjustifiable provocation given to Mr. Macready.

The jury assessed the damages at 150*l.*

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## JULY.

### 1. ACCIDENT ON THE RIVER. — UPSETTING OF THE LADY

**EMMA SAILING-BOAT, AND LOSS OF THREE LIVES.**—This afternoon three lives were lost by the upsetting of the lady Emma sailing-yacht, of eight tons burden, the property of Messrs. J. and G. Bucknall, of Crutched-friars. The Lady Emma had been entered, with four other boats, to sail for the silver cup and cover given by the members of the Royal Thames Yacht Club, from the Temple-gardens to Wandsworth and back; and heavy bets had been laid upon her. This day the owners, accompanied by a young man, their nephew; a gentleman residing at Pimlico; John Judge, a waterman, belonging to the Thames Police; Martin, another waterman; and Mr. Honey, the husband of the actress and singer, went up the river, on a pleasure excursion, for the purpose of trying the sailing capabilities of the boat. On the tide ebbing, the party put her about for the purpose of going down the river, with her mainsail, foresail, and jib set. The wind was blowing very fresh, but they had sailed as far as the Horseferry at Millbank (midway between Westminster and Vauxhall bridges), when a strong breeze caught the little bark, and immediately laid her on her beam ends. She immediately began to fill and went down, and Mr. Honey, Martin the waterman, and the nephew of the owners perished. Judge stopped in the vessel until the water had reached his knees, when he jumped overboard. One of the owners was at the helm, and with great presence of mind kept hold of it, in order to throw the boat up to the wind, until the water had reached his chin, when he was compelled to let go, and he and his brother caught hold of an oar, which they

shoved towards one of the party, who was sinking, but he was unable to avail himself of it.

The parties in the Lady Emma were all well skilled in the management of sailing-boats, and the accident was attributed to the fact of the sheet having been inadvertently made fast, so that it was impossible to loosen it before the vessel was upset.

**2. THE ABBOTSFORD FUND.**—

Pursuant to public advertisement, a meeting of the subscribers to this fund was held at the Thatched-house Tavern, St. James's-street. The object of the meeting was to appropriate the funds collected to their final purpose of "securing, so far as may be possible, the estate of Abbotsford, the library and antiquarian collections, to the family of the late Sir Walter Scott."

Lord Mahon, on the motion of Sir R. Inglis, took the chair.

Mr. Hallam moved, "That the sum subscribed (being about 7,200*l.* net money) be paid to the trustees hereinafter named, Sir Walter Scott agreeing to execute a deed of entail of the estate and mansion of Abbotsford, and of the library, antiquarian collections, and other objects relating thereto, upon the descendants of his father; those trustees applying 5,600*l.* or more, if necessary, of the said sum of about 7,200*l.* in the discharge of the 5,000*l.*, and the balance of interest now due thereon with which the library and antiquarian collections and other articles as aforesaid may be chargeable, and retaining the residue, to be applied by them hereafter towards the payment of the heritable bond for 10,000*l.*, for which the estate is now liable, and Sir Walter Scott executing an assignment to the said trustees of the share of the literary property

belonging to the family, to be applied to the same purpose. That the marquess of Northampton, lord Francis Egerton, M.P., the hon. John Stuart Wortley, Mr. James Skeene, Mr. John Richardson, and Mr. Robert Cadell, bookseller in Edinburgh, be requested to act as trustees, and to enter into a deed of trust to apply the balance of the subscription, and to collect and apply the product of the literary property to the discharge of the heritable bond; three of them to be a quorum. That the trustees also be requested to use their best endeavours to procure an act of Parliament to make the entail of the library and antiquarian collections effectual, if it shall be deemed necessary."

Sir R. Inglis seconded these resolutions, which were instantly adopted.

The printed form of resolutions was accompanied by the following remarks:—

"It is obvious that this proposition does not secure the estate absolutely in the family of Sir Walter, which was the purpose of the subscription; but the amount subscribed does not permit that to be done.

"It does, however, secure the library and antiquarian collections absolutely, and holds out the strongest probability of securing the estate, inasmuch as the produce of the literary property may be fairly calculated, after payment of all charges upon it, as more than equal to the discharge of 8,400*l.*, the balance that will remain of the heritable bond.

"Besides, there cannot exist a doubt that this sum could be raised at any time on the security of the estate, which at the present price of land is estimated as being worth

at least 40,000*l.*, and the provisions of the entail would authorise this being done.

"The outlying parts of the estate, indeed, would sell for more than this amount, without breaking in upon its entirety."

#### 6. EXCHEQUER EQUITY SITTINGS.

—*Lovell, v. Hicks and Others.*

Mr. Baron Alderson gave judgment in this case: The bill was filed by the plaintiff, E. B. Lovell, against the defendants, Robert Hicks, Octavius Henry Smith, William Todd, and — Watson, and it prayed that an agreement between the parties on the 3d of March, 1832, might be set aside, on the ground of misrepresentation and fraud; that the defendants might be directed to repay a sum of 3,000*l.* which they had received from the plaintiff, with interest, and that they might be restrained by injunction from proceeding at law to recover the remaining sum of 2,000*l.* mentioned in the agreement. The facts, as they appeared in evidence before him, were these: On the 9th of June, 1830, a patent was taken out by the defendant Hicks, and on the 29th of December in the same year, a specification was enrolled, of the nature and mode of carrying into effect the invention for which the patent was obtained. The claim of the patent was for "the invention of an economical apparatus, or machine, to be applied to the process of baking, in order to save materials;" and in the specification it was stated, that such apparatus baked the bread and collected a certain spirituous vapour during the process of baking, which vapour was usually dissipated and lost; but by the refrigerating and condensing part of the machine this vapour was condensed, and a liquor

thus obtained, from which a useful spirit material by the process of rectifying might be distilled." In another part of the specification it was stated, that, the flour being converted into dough, and duly fermented in the usual method, and the loaves being introduced into the oven, a liquid matter was thus saved by the economical apparatus, consisting of diluted spirit, from which a useful spirit might be extracted by the usual process of rectification. It was clear that this invention purported to be one for the purpose of obtaining a spirit by means of a patent apparatus for baking bread of the ordinary description, fermented in the ordinary way. In March, 1832, after some negotiation the agreement in question was executed, and under it 3,000*l.* had been paid. By that agreement Hicks, the original patentee, and the other defendants who had obtained an interest under him, granted a licence to the plaintiff to exercise the patent within the town and neighbourhood of Birmingham, in consideration of a sum of 1,000*l.* paid down, and 4,000*l.* to be paid by instalments. The plaintiff stated that he had been induced to make this agreement by fraudulent misrepresentations made by Hicks. In June, 1831, it appeared that a letter was inserted in the *Staffordshire Advertiser*, signed by a miller of the name of Pratt, in which a favourable account was given of the invention. This letter, it was said, was corrected by Hicks, and it particularly stated, that three bushels of flour would produce eighteen pints of a liquor containing 20 per cent. of alcohol. This, it was said, was expressly inserted by Hicks, he having altered the

per centage from 18 to 20. This fact depended on the evidence of Pratt and others, and in some degree was supported by the declarations of Hicks at several meetings at which he referred to this letter. On the other hand, there was a distinct denial of both circumstances by Hicks in his answer, and it was contended with great force that the expression "Alcohol" was very clearly in the course of the negotiation understood by all parties to mean proof spirit, and not pure "Alcohol." To this part of the defendant's case he felt that he must accede, but as to the representations the weight of evidence was in favour of the plaintiff. The next fact related to the meetings at the Stork Inn, Birmingham, at which the plaintiff was present, and where a sort of exhibition of the apparatus for baking took place, and similar representations were made. There were also two exhibitions at Bilston, at which similar representations were made, and Pratt's letter was read by the plaintiff. Next came the journey of the plaintiff to Chelsea, where the apparatus was shown to him, and he had an opportunity of examining the results of the experiments and some of the spirit was produced and delivered to him to inspect and examine. These circumstances all took place before the agreement, and it was not unreasonable to conclude that these were the circumstances that induced the plaintiff to enter into the agreement. What then were these circumstances? They appeared to him to amount to this:—There was the clear statement of Hicks that he was in possession of an apparatus for baking ordinary bread, by which a certain spirituous liquid, that was produced, was saved,

This appeared from the patent and specification. There was a statement that the spirit so produced amounted to a quantity of 18 pints, at 20 per cent. of alcohol, produced from three bushels of flour. Now whether he took the literal expressions used in their fullest extent, or whether he took the defendants' case in the most favourable point of view, this was at all events to be a highly advantageous invention. It also appeared that experiments had been performed, both at Birmingham and at Chelsea, which induced the plaintiff to believe that the representations made to him were substantially true. Now if this were so, were the other facts of the case, such as ought to satisfy him that this was not a true statement, and that Hicks knew it to be false all the time? This was the conclusion to which he had felt himself obliged to come. It was proved on the part of the plaintiff, that the bread baked was not substantially bread of the ordinary description. There might be, no doubt, great difference in the ferment used in baking bread, but it was clear from the evidence, that the particular ferment used by Hicks, varied from all those that were used in the ordinary method of making bread, and that the ingredients used by him were calculated to produce a favourable result in the experiments which he made to show off his new invention; nor did he (his lordship) think that any reasonable doubt could be entertained, that the bread baked in the ordinary way, would produce no advantageous spirit. If these facts were known to Hicks, every experiment became a fraudulent misrepresentation; and the circumstances satisfied him, that Hicks must have

known this. How was he to account, except on this supposition, for the particular care and watchfulness with which the ferment was secretly prepared, and the ostentatious openness with which the other parts of the experiment were conducted. Hicks must have been conscious that he was practising a delusion on the plaintiff and the others. All the testimony, except that of the witness Man, was uniform as to this, and he was by no means satisfied with Man's testimony, who did not deny the addition of spirits to the liquor, but said, that Hicks did not personally participate in the act. If the question merely depended on misrepresentations as to the quantity of spirit produced—the results varying as they did—he should not think that the case of the plaintiff was made out. If the bread actually made had been ordinary bread, or if the attention of the parties had been called to the fact that it was not prepared in the ordinary way during the experiments, he should have been disposed to think that no fraud had been committed, and, at all events, if there were fraud, that the plaintiff had persisted much too long, after a full knowledge of the fact, to entitle him to relief. But it seemed to him that the plaintiff had been misled, and that Hicks was aware of the delusion. He did not rely on the mere failure to produce the quantity of spirit originally stated, but the plaintiff and those who acted with him thought, and had at first reason to think, from the representations made to them, that they were purchasing an apparatus for baking ordinary bread, which would enable them to compete with ordinary bakers on a vantage ground, and that the

quantity of spirits produced would be their means of profit. As to the charge of acquiescence on the part of the plaintiff, it appeared he did not know the ingredients of the ferment till the receipt was delivered to him on the 5th of December, 1832. It was clear, therefore, that the period, at which he knew the extent of the misrepresentations, was not when the receipt was given to him, but when he knew that the ferment substantially differed from those in common use. The exact time when he obtained this information did not appear; but this suit was instituted in the year 1833: and on the whole, he thought the plaintiff entitled to the relief he sought. As to the other defendants they were not affected, either directly or indirectly, with the fraud; they only received their proportions of the money that was received. The defendant Smith had no interest, he was a mere nominal party, and had received no part of the money; but with respect to the defendant Hicks, the evidence was by no means such as to render it unlikely that the fraud had been contemplated by him. The relief, therefore, would be to order the agreement to be cancelled; that the defendants should be enjoined from prosecuting any actions against the plaintiff; that the master should inquire how much of the 3,000*l.* was respectively received by Hicks, Todd, and Watson; that each party should be decreed to repay what had been received by him; and that as against Smith, the bill should be dismissed with costs, with a decree for the plaintiff with costs against the other three defendants.

— REMARKABLE INSTANCE OF PRESERVATION OF LIFE.—On the evening of Wednesday, the 6th of

July, as one of the shepherds of Mr. Daniel Sinclair, of Achallander, Glenorchy, was passing a brother shepherd's house, named Duncan Cameron, residing at a shealing called Goirtan, Cameron accompanied him to assist in driving some sheep he had, when two boys belonging to the latter followed them—one about four years old, and another about two-and-a-half years; but it being late in the evening their father caused them to return home. Returning himself about dusk, and observing the eldest at home, but not the youngest, he made inquiry what had become of him; when the oldest told him that he had left his brother at a well not many yards from the house. The father and servant-maid went immediately to look after him, but, it being now dark, they continued a fruitless search all night, and the early part of the next day. On the afternoon of Thursday, the 7th, despairing of finding him in that neighbourhood, the maid was despatched to Glenorchy to alarm the inhabitants, who immediately, old and young, repaired to the spot, and joined in the search, which they continued during the subsequent part of the day, the succeeding night, and the forenoon of Friday, the 8th, with equally bad success. Despairing now of finding him alive, but anxious to recover the body of his child, the father despatched the maid to alarm the inhabitants of Rannoch, who also assembled, and on Saturday morning (the 9th) joined those of Glenorchy, the party amounting to nearly 100 persons. About noon of that day, when they had traversed over many miles of deep mosses and morasses, interspersed with pits, pools, rivers, and rills,

they came at last to a green shealing not inhabited, where the father discovered something at a distance lying on the grass, and, to his great joy, discovered his lost boy, not dead, as all expected, but in the greatest good humour eating a handful of grass which he had pulled, and upon which he must have subsisted since the evening of Wednesday. The place where he was found was about four miles from his father's house, and the ground which lay between full of pits and pools, burns and moss gullies some six to eight feet deep. How he came this distance at all, and particularly how he escaped all the dangers in the way, and how he was supported in the midst of one of the most extensive and impenetrable moors in Scotland, is inexplicable. For a distance of about twenty miles, that is, from Achallander, in Glenorchy, to Invercomrie, in Rannoch, there is neither hut nor house, except those of Cameron and his brother shepherds, which are at least three miles distant. The child did not appear sensible of the great hazard he had run; he did not seem to have been crying or weeping; neither did he express any emotion of joy on being found by his father, but expressed a wish to be taken to his mother, that he might get a drink of milk.

8. TRIAL AND EXECUTION OF ALIBAUD.—On Friday, the 8th of July, Alibaud was brought to trial before the court of peers for his attempt on the life of the king of the French. The act of accusation, after narrating the particulars of the attempt, contained the following statements:—

“ Louis Alibaud, born at Nismes, the 2nd of May, 1810, is son of Barthélemy Alibaud, con-

ducteur de diligence, and of Thérèse Madeleine Bataillé. His father quitted Nismes the latter end of 1827, and settled at Narbonne, where he successively kept a café and a public-house. He quitted Narbonne in October, 1834, in order to reside at Perpignan. The prisoner, Louis Alibaud, entered the 15th *leger*, as a volunteer, the 26th of July, 1829. He was named corporal the 29th of September, 1830. He became quarter-master the 6th of June, 1831; a sergeant quarter-master the 13th of September, 1833; the 17th of January, 1834, he had leave on reform given him. Louis Alibaud used sometimes to return to Narbonne, where he was habitually seen in the cafés frequented by young men known for their republican opinions. In February, 1835, he was employed for the telegraphs of Montredon and Carcassone. On the 5th of September, 1835, he procured a passport at the prefecture of the Eastern Pyrenees, and proceeded to Barcelona on the 11th of the same month, his aim being to unite himself to the Polish and Italian refugees, who were to take part in a revolutionary movement in that town, proclaim the Queen's downfall, and a republic. His father, whose opinions against the government are well known, gave him the permission and the means of executing this scheme. We can have no doubt that Alibaud's association with men who everywhere repay the shelter given them, by disorders and civil war, must have, if not caused his late attempt, at least much increased that frenzy which incited him to make it. It was on his return from Spain, after the factious band, to which he appertained, had been dispersed by

orders of the Queen, that he possessed himself at Paris, by a crime, of the weapon of which he made so criminal a use. He arrived at Paris in November, 1835, and first lodged at the Hotel du Rhone, Rue de Grenelle St. Honoré; he remained there but ten days. The mistress and waiters of the hotel could give no account of Alibaud's proceedings during those ten days. Towards the end of November he lodged at the hotel of M. Morin, Rue de Valois Batave, 9, where he remained until the end of January, 1836. It was during his residence at this hotel that he had the intercourse we have stated with the armourer Devisme. During the latter months Alibaud has not been employed usefully; by his own account, his only occupation was following the King. He was, however, often seen writing. He complained of the wretchedness of his life, and talked of committing suicide. He quitted the hotel without paying what he owed, as he did not possess one sou, but said that he hoped to have an employment which would enable him to discharge the debt. He had given M. Morin, on the 3d of January, a note for 20f., payable in a month. He likewise owed M. Recoul, porter of the establishment, a sum of 94f. The 1st of April he gave him 15f. and an order for the rest, payable Rue St. Sauveur, No. 12, dated July 31, 1836. After quitting M. Morin's, Alibaud went to reside with M. Léonce Fraisse, whom he knew at the college of Narbonne, and who resides at No. 23, Rue Bourbon Villeneuve. It was Léonce Fraisse whom he afterwards charged to carry the case of cane-guns to M. Devisme. These circumstances confirmed Alibaud's

declaration that his friend was aware of the deceit practised upon Devisme, and that, sharing his republican sentiments, he looked upon the weapons thus fraudulently obtained as likely to be useful, in case a revolution should occur. At the moment of the attempt, Léonce Fraisse was at Bourdeaux, where he was arrested. He was examined, and his answers agreed with Alibaud's declaration; and although proving his republican sentiments, they acquitted him of being an accomplice in Alibaud's crime. On the 27th of February he went to live as clerk with M. Batiza, wine-merchant, Rue St. Sauveur, No. 12. He was to receive 400 francs a-year, and he lodged and boarded. He quitted there the 23d of May. M. Batiza stated, that he had heard Alibaud express the most exalted republican feelings. Monoury, one of his apprentices, fully confirmed this statement. He likewise stated, that some days after Fieschi's execution he was saying that his death had been too mild for such a criminal, and that Alibaud answered warmly that he was a fool, too great a fool to understand such things, and that Fieschi was not a wretch. Alibaud's conduct made him soon lose the situation at M. Batiza's. Frequently in the daytime he was absent for several hours, and at night used constantly to be absent from 7 o'clock till 11 or 12. These circumstances agreed with the prisoner's account of watching the King. His idle habits used to lead him often to the café and the billiard table. The 23d of May, Alibaud was discharged from M. Batiza's and went to lodge in the Rue des Marais, St. Germain, No. 3, at the house of M. Froment;

where he remained, at ten francs a-month, till the 25th, the day of his crime and his arrest. Alibaud was in a state of abject want produced by idleness and misconduct; he used to live on credit either at the café or the boarding-house of M. Dubois. Alibaud appeared to have no employment, but used to go out every day at 12 o'clock, and returned late at night. He used to spend much of his time at the café Allemand, Rue du Colombier, smoking and playing billiards; he was there the day of the attempt, and at half-past 4 pretended an affair of importance to quit a medical student named Avery, with whom he was playing. The day of the crime the police seized in Alibaud's room some cartridges and a volume of St. Just's works, where, doubtless, the prisoner sought to strengthen his criminal inspirations. This same detestable work, which appears a true manual of murder and regicide, was found at Pepin's also."

The evidence was concluded on the 8th of July; and, on the following day, counsel were heard in support of the prosecution and for the defence.

The prisoner was then asked by the President, if he had anything to say in his defence.

Alibaud stood up, and commenced reading in an audible voice a written defence, in which he stated that even had he succeeded in his attempt, death must have been his fate. In 1830 he quitted the cause of Charles X. for that of the people, and assisted at the establishment of a republican royalty; but it was of no use; all royalty lived for itself alone, and not for the people. The king was the cause of all the evil, and he wished

to destroy the mischief in the root. He felt indignant at the treatment of the Poles and the slavery to which they were destined. The Procureur du Roi, who so much detested the assassination of kings, seemed to have no horror of the assassination of the people.

The President told the prisoner, that unless he was more guarded in his language, he must order him to sit down.—The prisoner went on to state that he had been cruelly deceived by the revolution of July; he thought it would have been for the good of the country, but the king had rendered it nugatory. What, then, was to be done? Regicide was the right of every man,—to revenge himself with his own hand.

The President interrupted the prisoner, and ordered him to sit down, which he complied with, at the same time handing his written defence to M. Ledru.

The President insisted on its being given up; and it was accordingly handed over to the registrar.

The President again asked the prisoner if he had anything to add, cautioning him to avoid going into the defence of assassins and regicides.

The prisoner said he would pass over that part of his defence. The document was restored to him, and he resumed by saying that he had no pretensions to be placed upon the list of famous regicides. The system, which the king had followed, was shameful. [Interruption.] Well, he would say no more on that point. He had used every means to obtain employment, but corruption was so powerful that he failed. He found that the cause originated in the king.

President: You see it is always

the same language; this cannot be permitted.—Prisoner [reading]: This corruption flows from the throne upon the people—The President ordered the prisoner to sit down. He was removed, and the court retired to deliberate upon the case.

After an absence of half an hour, the president and the peers reentered the court at two o'clock, and the former pronounced the judgment which had been come to:—"The court having carefully listened to all the evidence in the case, and deliberated thereon, have found Louis Alibaud guilty of an attempt upon the king's life; and the sentence is, that he suffer the punishment of death as a parricide, and that he shall be led from prison to the place of execution barefooted, and his head covered with a black veil, and having been exposed for the usual time to the gaze of the multitude, his head shall be severed from his body by the guillotine. The day of execution to be at the option of the Procureur du Roi." The sentence was executed on the morning of Monday the 11th.

**STATUE OF GEORGE III.**—On the 7th of July, Sir C. Wetherell moved, before the Vice-Chancellor, to dissolve a special injunction whereby the defendants were restrained from proceeding to erect an equestrian statue of his late majesty George III. in the open triangular space between Cockspur-street and Pall-mall-east. The plaintiffs to the suit were Messrs. Squire and Williams, members of a banking establishment, formerly carried on by Mr. Douglas Kinnaid; and the defendants were the commissioners of paving to the parish of St. Martin, his majesty's

commissioners of woods and forests, General Sir John Campbell, honorary secretary to the statue committee, Philip Noel, and Sir J. Campbell, his majesty's attorney-general. A committee had been formed of several most distinguished noblemen and gentlemen, and subscriptions had been raised for the purpose of erecting an equestrian statue of George III. The statue having been completed by Mr. Wyatt, the question arose as to where it should be placed. After much deliberation it was decided that the site on the north side of Cockspur-street was the most eligible spot for the purpose; and an application was accordingly made to the commissioners of woods and forests, who, together with the commissioners of the paving-board, yielded a cheerful assent. But, said the gentlemen who occupied Nos. 1, 2, and 3, in Pall-mall-east, to all these parties and to all the world, that shall not be done, for we will get an injunction of the Court of Chancery against you. The injunction was accordingly obtained *ex parte* against all the defendants he had enumerated, to prevent the erection of the statue. He had in vain searched through the pleadings for anything like a semblance of either legal or equitable title in the plaintiffs to have this injunction. No covenant not to put up a statue, or to leave an open space, was anywhere to be found in their lease. There was not even a recital upon which any presumption, either legal or equitable, could be founded that such a right ever existed, or that any agreement at any time passed conferring such a right. All he had been able to find was a vague representation, that, at some

period, some person produced some plan to some person, upon which some agreement was made, whereby it was stipulated that the plaintiffs should be entitled to 100 feet of open and uninterrupted space as a carriage-way, fronting the plaintiffs' houses. He should like to know what the plaintiffs meant by an open space; did they imagine this beautiful statue would exclude the light or the air from their bank, or did they fancy the money would not flow as rapidly into their coffers as it had hitherto done? Did they claim the fee simple of the whole atmosphere, so that neither, pump, post, lamp, fountain, nor obelisk, might be erected there? If a statue to the memory of that illustrious monarch George III. were to be declared a nuisance, what would be said of a lamp-post or a pump?

The Vice-Chancellor, without hearing the counsel in support of the injunction, observed, that if the case was to be put upon the contract entered into with the commissioners of woods and forests, he might now dispose of the matter. The 53rd of George III., chap. 121, enabled certain individuals to carry into effect a definite plan for the formation of a new street, which plan was described in the act, and annexed to it, and corresponded in everything material with a plan exhibited to the court. Upon this plan a lease had been granted by the commissioners of woods and forests to Mr. Douglas Kinnaird, and was subsequently assigned to the plaintiff, of a piece of land in St. Martin's-in-the-Fields, through which the new street was intended to run; and the lease on the face of it was represented to be granted by the commissioners

who were to execute the powers of the act. It was obvious that by virtue of that lease the plaintiffs had contracted with parties, acting on behalf of the public, for a right to build a house in the new street; and by the plan annexed to the act, there was a covenant on the part of the public with those individuals who might contract for property in the new street, that such street should not be altered from the description contained in the plan. According to that plan an open space was to be left before the houses of the plaintiffs. It was not for the court now to enter upon the question of, whether the intended erection was pleasing or unpleasing. An object, although very pleasing to A, might not be pleasing to B, where B was the party objecting to its erection. Nor was the court to stop now to inquire whether the building to be erected was agreeable to the public. The only question, by which his mind ought to be influenced, was, as between those representing the public on the one hand, and the lessees on the other, what were the respective rights of the parties. His own opinion was, that if an act of parliament held out a prospect to individuals that a street was to be formed in a particular manner, with an open space, the court would not permit those who represented the public, or who claimed an interest under the persons appointed on behalf of the public, to carry into execution the provisions of an act of parliament to prejudice the rights of the lessees contained on the face of the lease. That was the whole point in the case. He thought, therefore, that so far as it was intended to erect

the statue upon the authority of the commissioners of woods and forests, the court had the power to interfere. He should continue the injunction.

The motion to dissolve the injunction was renewed before the Lord Chancellor; and on the 27th of July, his lordship gave judgment. After observing upon the form of the injunction, his lordship said that the plaintiffs contended that they had taken the lease upon the faith of a plan which existed at the time of their contract, and which represented the whole space, upon a part of which the statue was now to be erected, as open, and not to be built upon. On looking to the plan, as it appeared in the margin of the lease, this point of the plaintiffs' claim would not be found to be supported; and if reference was made to the larger plan, and to the act of parliament under which the commissioners of woods and forests (who had given their assent to the proposed erection) derived their authority, it would be seen that the plan and the act were framed with reference to the whole space over which the act was to be carried into operation, and related as well to the houses which were to be taken down as to those which were to be built. If the right of the plaintiffs was derived from the latter plan, they would be entitled to have it carried into effect in all its parts, and the erection at the end of Waterloo-place would be as much an infraction of the contract as the erection of the proposed statue. The principal point for the court to decide, was, whether the plaintiffs were, upon the grounds stated to the court on their behalf, and without any allegation of fraud or mistake, entitled

to claim that the contract they had made for their lease, and their lease itself, was to be held to include the plan which was said to have been exhibited to them at the time they agreed to take their lease. His Lordship then proceeded to comment upon the cases which had been referred to in the course of the argument, and observed, that although the principles of law laid down in them could not be disputed, it was to be observed, that in all the cases in which the terms of a contract as it stood had been altered, there had been evidence of other terms which had been by accident or fraud omitted, and that in all those cases in which parole evidence had been admitted to explain an agreement, it was for the purpose of proving the identity of the document by which it was proposed to make the correction. In the case of "*The Feoffees of Heriot's Hospital*," 2 Dow's parliamentary cases, the very point here at issue had been decided. There a contract had been entered into for building on lands, the disposition of which was shown by a plan. It happened that the plan had not been, and could not be, carried into effect; but the house of lords pronounced a judgment, in which Lord Eldon and Lord Redesdale took part, to the effect that it would be most dangerous to hold that the plan formed a part of the contract, and that the lease was to be read as if the completion of the plan was one of the conditions for its performance, and had been inserted in it. His lordship thought the present case was decided by that authority, and that he could not hold that the plaintiffs had such a right as they had alleged. With respect to the assertion that

the statue might be or would be a public nuisance, his lordship thought that assumption was unsupported by evidence and altogether unfounded. Being therefore of opinion that the plaintiffs had failed to make out their case, he must discharge the order for the injunction.

26. ELECTION OF A MEMBER OF PARLIAMENT FOR NEWCASTLE-ON-TYNE.—The election of a member to serve for Newcastle in the place of the late Sir M. W. Ridley, took place. The candidates were captain Blackett, of Wylam, and Mr. John Hodgson, of Elswick House. In support of Captain Blackett, the Ministerialists and the Destructives united their forces. The Captain pledged himself to support the present ministry, and more especially their plan for “appropriating” to secular purposes the surplus revenues of the Irish church. Mr. Hodgson, on the other hand, announced his intention, if sent to parliament, to oppose any plan for “appropriating” the revenues of the church. He further declared that if he had had a seat in parliament during the present session, he would rather have voted for the extinction of the Irish corporations than supported the Ministerial measure. The war-cry of the Conservatives was, “No appropriation” — “No Irish-popish dictator.”

The poll commenced at eight o'clock, and terminated at four, when the result was—

For Mr. Hodgson . .	1,576
For Captain Blackett	1,528

Majority for the conservatives . . . . . 48

At the preceding contested election for Newcastle—Mr. Ord,

the Ministerial candidate, polled no more than 1,317 votes, and Mr. Hodgson only 807 votes.

27. MEETING OF PROPRIETORS OF THE MANCHESTER AND LIVERPOOL RAILWAY.—This day a special general meeting of the proprietors of the Manchester and Liverpool Railway, was held for the purpose of declaring a dividend out of the clear profits of the undertaking, making orders for raising money amongst the proprietors, or by the admission of other persons as subscribers, and for laying before the company a plan for raising the sum of 427,500*l.* to discharge the mortgage debt of the company, by creating 7,968 new shares of 50*l.* each, and to transact other general business of the company. In calculating the receipts and disbursements of the last half-year, to the 30th of June, there had been a progressive increase in every department of the company's business. The receipts from the coach passengers had been 57,914*l.* for merchandise 47,441*l.*; and for coals, 4,000*l.*; making the total receipts of the six months 109,355*l.* The expenses during the same period were — for bad debts, 223*l.*; coach expenses, 10,202*l.*; carrying 10,463*l.*; directors' expenses, 309*l.*; interest, 6,681*l.*; engines, 20,425*l.*; police, 1,157*l.*; and other charges too numerous to particularise, amounting in the whole to 69,953*l.* leaving a net profit of 39,402*l.* The expenses of locomotive power had been considerably increased in consequence of some accidents having occurred to the luggage-waggons, and in consequence of the strike of the locomotive engine men, which latter circumstance had compelled the directors to employ extra hands, otherwise they

would have been obliged to yield to the demands of the men. The mortgage debt of the company, amounted to 427,500*l.* to pay off which it was recommended to create 7,968 new shares of 50*l.* each, which were to be offered to the proprietors of 100*l.* shares, and to be paid by instalments—to wit 10*l.* on each share on the 10th of February and on the 10th of August, 1837; 5*l.* on the 10th of February and 10th of August, 1838; 5*l.* on the 10th of February and 10th of August 1839; and 10*l.* on the 10th of February, 1840. A dividend to be payable on these 50*l.* shares in proportion to the amount of the instalments paid. Besides the net revenue for the last six months of 39,402*l.* 2*s.* 7*d.*, there was a surplus of 1,569*l.* 7*s.* 7*d.* Out of these sums it was resolved to pay a dividend of 5*l.* per cent, for the half-year, which would leave a balance of 1,127*l.* 15*s.* 2*d.*, to be carried to the next half-year's account.

26-27. CAMBRIDGE. — *Mary Anne Wagstaff v. Bruere, Ledbitter, and Faiers.*—This was an action of assault, to which the defendants pleaded that the plaintiff, before the time of their assault, had herself assaulted one Harriet Sadler Bruere, the daughter of the defendant of that name and justified in consequence.

In opening the case for the plaintiff, Mr. Kelly stated that she was the daughter of a person who had formerly carried on the business of an upholsterer in that town. The defendant Bruere was formerly a student at one of the colleges, and the son of a gentleman of fortune in Yorkshire; Ledbitter was a police-officer in London, and Faiers in Cambridge. To the eldest sister of the plaintiff this case was one

of unspeakable importance. Unless her evidence were believed and her claim established, she must be denounced as wholly unfit for human society. The plaintiff was one of seven children, two brothers and five sisters; the sons were Henry and Charles; the daughters, first Eliza Godfrey, then Susan, next the plaintiff, next Harriet (the wife of the defendant Bruere), and lastly Emma. In the year 1825 Mr. Bruere, the defendant, came to the University and entered himself a student of Jesus. He became acquainted with the family of the Wagstaffs, and though Harriet could lay no claim to the virtue of chastity, her charms of person were such, that he paid his addresses to her, and in May, 1826, they eloped and were married at Gretna-Green and afterwards in this kingdom. His income at that time though he was the son of wealthy parents, was by no means sufficient to support the charges of a wife and family, and on their return from their marriage she went to reside with her sisters, while he pursued his studies. In May, 1827, she was delivered of a female child, who was soon afterwards baptised as "Harriet Sadler Bruere." It was soon discovered by Mr. Bruere that his wife did not possess such an education as would qualify her for the guardianship of a child born to good expectations; and the defendant from the time of its birth, was desirous of removing the child from the custody of his wife. This desire, though not openly expressed to his wife, she could not but perceive in their daily intercourse, and it was the cause of frequent and violent quarrels between them; and he at length became determined to remove the child from

her by any stratagem he could devise. Eliza Godfrey Wagstaff, the eldest sister of the plaintiff, had an illicit intercourse with a gentleman of the name of Smith ; and in January, 1827, she went to the house of an aunt of her's (Mr. Sarah Wagstaff), where, on the 7th of that month, she was delivered of a female child. By one of those wonderful efforts which women will sometimes make, she, in order to conceal her shame, on the very evening of the day of her delivery, went back to her own house, in a chaise, accompanied by her sister and Mr. Farish, the surgeon, who attended her in her labour. The child was immediately put out to nurse. In February, 1828, Mr. Bruere finally resolved to remove his own child from the custody of his wife. Having learned Miss Wagstaff had a child he informed her of the differences existing between himself and his wife, and said that the only way of avoiding an open rupture with her would be to remove his child under the pretence of weaning her, and after a time substituting her (Miss Wagstaff's) child for his own. She consented. Her child was taken to the house at night, and they persuaded Mrs. Bruere to give up her's under the pretence of weaning it. His own child was taken away by Mr. Bruere, and from that time to this it had never been seen. A few days afterwards the substituted child (Miss Wagstaff's,) was heard by Mrs. Bruere to cry ; she insisted upon seeing it, and on its being brought to her she would not believe for a long time that it was her own. She insisted that it was darker and larger than her own but those about her attributed the change in its features to crying and weaning

and at length she was pacified, if not convinced. It continued from that time to be brought up under the name of its cousin, Harriet Sadler Bruere. Mrs. Bruere subsequently, in January, 1829, and in March, 1830, was delivered of a male and female child. The substituted child continued to be brought up by Mrs. Bruere, and was called by the name of Arney. In 1832, Mr. Bruere, whose life had been a series of indiscretions, was confined in the Fleet Prison for debt, and there he remained until the beginning of the present year. In 1833 Miss Wagstaff was taken dangerously ill, and the child was brought from London to be with her in her last moments. Since his liberation from the Fleet, Mr. Bruere had become reconciled to his family, who were desirous of taking this child into their custody, and they resolved to get possession of the child by any means. In April last the defendants went to the house of Miss Wagstaff, knocked, and insisted on the child being given up to them ; and this being refused, they broke open the door, and by force took her away to the Hoop hotel. She refused to give up the child, said it was hers, and that Bruere knew it was hers. She was pinioned, assaulted, and treated with the utmost violence, and the child was ultimately forced from her by the defendants. The question of damages was of no importance ; the real question in the cause was whether this child was or was not the daughter of Miss Wagstaff ? That it was, he should be able satisfactorily to show.

Miss Eliza Godfrey Wagstaff was then called and examined as to the facts of this extraordinary case. After stating the number

of her brothers and sisters, she said, that Mr. Bruere became acquainted with them in 1826, in the May of which year he eloped with a younger sister of her's. They then went to Cromer, after which they returned to Cambridge, where Mrs. Bruere was delivered in May, 1827, of a female child. She then swore as follows:—Before my sister eloped, I had become acquainted with an under-graduate named Smith, by whom I became pregnant. I communicated my situation to Mary Ann and Mrs. Bruere, and my brothers also knew it, and in consequence treated me very ill. I underwent an examination by a surgeon named Farish, at the request of my brothers. I had an aunt living in this town, Mrs. Sarah Wagstaff, and I went on the 7th of January to be delivered at her house. I went with my sister Mary Ann between 12 and 1 o'clock, and was brought to bed about 5. After that, I returned to Mr. Bruere's (where I was staying) in the course of the same evening, accompanied by Farish, leaving my child at my aunt's to be wet nursed. I continued in bed about a week. I saw my child in about six weeks, when it was brought to me by its wet-nurse (a Mrs. Morley, then Susan Jobson), and I saw it from time to time. I was in Cambridge, when Mrs. Bruere was confined: she and her husband left in July afterwards and returned in February, 1828. She brought her child back with her, and went to live with my brother Henry and my sisters. Bruere and his wife had frequent disputes. One evening in February, 1828, Bruere came to my brother's house in disguise, his face being enveloped in a shawl. I joined him in the drawing room.

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He wished to know if I had not had a child, as he had strange suspicions. I said I had. He asked if it was a boy or a girl? I replied "A girl;" and he said, "You could make me happy, and I could make you so, if you would but acquiesce in my wishes." I asked, "What can you mean?" and he replied, "My child Harriet is provided for by the Duke of—, in consequence of which she requires a superior education; and you are well aware that your sister is not an educated woman, and I hope you will agree to an exchange of children." I replied, "Provided you will be friendly with your wife again, I will comply." He then went upstairs to Mrs. Bruere, and on his return he said, "The child has caused great unhappiness between us, and my family wish to bring it up, on account of its great expectations." He told me he thought the change would be better effected by weaning his child, and he had informed his wife he should wean it. On the following day his child was given to me to be weaned, and mine was brought to his house by my aunt, Mrs. Wagstaff. It was then fourteen months old. Mr Curtis came to the house at the same time, and the plaintiff and my aunt were also present, and both the children were there with them. Mrs. Bruere was in her own room, rather unwell. Mr. Bruere took his own child away with him the same night, and I have never seen her since. On the evening my child was brought, or the following, she began to cry, and Mrs. Bruere insisted upon seeing her, when Mr. Bruere took it to her. She said "she could not believe the child was hers." Bruere asked "Why not?" and she said "Because it

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has large eyes, and is altogether larger." He said "it was the effect of crying and weaning, which had caused its features to swell." He endeavoured to persuade her it was her's. She had suckled her own child. Mrs. Bruere then took the child, who was called Arney, to London, where it remained three weeks, when they returned to Cambridge; they went for a year into Northamptonshire, after which all the parties went to reside at Boulogne. I was dangerously ill, in 1833, and the child was brought to me by the plaintiff, and remained with me for some months, when it was taken to London with Emma, who brought it to me in March, 1834, since which time she has always remained with me, and I have supported it out of my income of 50*l.* a-year. Bruere was in the Fleet for debt for three years and a half, ending in January last. In October last Mr. Bruere was dangerously ill in prison, and he disclosed to his wife the secret of the child being a substituted one, and of its being mine. She turned me out of the room, observing that I "had been a wretch of a sister, and she would never again see or speak to me." In April in the present year Bruere and Faiers came to my house, knocked at the door, and wished to "have a word with 'Arney.'" I refused to allow him, on which Bruere desired Faiers to burst open the door, saying, in answer to my demand of their authority, "We have an order of the Lord Chancellor." They then broke a panel of the door, and crept in through the opening. I bolted the door on the stairs, but that was burst open also, as was another inside which were Emma, the plaintiff, and "Arney." They

struck Mrs. Bruere on the breast, pinioned her arms, and used us all most cruelly. I asked Bruere if he was a father? He replied, "Yes;" and I then said, "Have more pity for a mother." He said, "The child has passed in my name; therefore, whether it is mine or not, I will claim it." I observed that possession was nine points of the law, and refused to surrender the child, and it was agreed to go before the mayor, for which purpose we got into a coach and drove to the Hoop Hotel. Ledbitter came there; he said he had the authority of the Chancellor; told them to make me a prisoner, and rushed on the plaintiff and gained the child, Bruere having seized her by the throat. The child called for mercy, and said to me, "Dear mamma, submit." They took her away, and I have not seen her since.

Cross-examined.—I saw Smith, the father of my child, on my return. I have seen him only two or three times since. I did not inform him of the birth of the child, and I never told him I had had one by him. Mr. Curtis, Mrs. Wagstaff, and Dr. Farish knew of my pregnancy; but they are all dead. The child has not been baptised, but was called "Arney," after a cousin of mine, whose Christian name I do not know.

Mrs. Morley was next called. Her evidence went to show, that, in December, 1826, being unmarried, she was delivered of a still-born child, and applied to Dr. Farish to procure her a place as a wet-nurse. She was desired on the 7th of January, 1827, to go to Mrs. Wagstaff's where she received a new-born female child, which she wrapped up and carried to Granchester, a distance of two

or three miles, on a cold winter's night. She saw a lady very ill, supported into a coach. She had the child one day in the country, and then went with it on the outside of the coach to London. She had had no child to suckle in the month which elapsed between her own delivery and the receipt of Miss Wagstaff's; but it "took kindly" to her notwithstanding. She described the hair, &c., of the child as Miss Wagstaff had done, and swore that a mother could not mistake her for her own, if the latter had dark hair and a dark complexion. It had eight or nine teeth before the witness gave it up.

Sarah Jopson, the mother of the last witness, corroborated her as to the fact of her having had a "very light-haired child" to wet-nurse. Eliza Lorton, her sister-in-law, spoke to the same effect.

Maria Wilson lived with the Brueres in 1831 and 1832. There were then three children—two of them Mrs. Bruere's, and one called "Arney," who used to address Mrs. Bruere as "aunt," and Bruere as "uncle." Bruere and his wife quarrelled very frequently, and he would then tell her "the child was neither his nor her's."

Mr. Smith, the imputed father, was then examined. He stated, that he knew Miss Wagstaff in 1826, but declined saying whether he had had an illicit intercourse with her.

On cross-examination, he stated, that she never hinted that she was pregnant, and never told him she had had a child.

On behalf of the defendants, the following evidence was produced.

Frederick Tyrrell, an officer from Bow-street, went to the

cottage of the plaintiff in April last, with two of the defendants. When Bruere had knocked and desired to see his child, the plaintiff and Eliza Wagstaff appeared at a window, each armed with a pistol, and threatened to shoot the first man who ventured to assault the door. The door was, however, broken open, and the same scene was repeated at the door of the stairs, and of a bedroom. In the latter were the plaintiff and her sister, and the little girl. Eliza flew at Faiers, and held him by the skirts of his coat. Faiers then held her by the arms, when she began to kick him with great violence. Ultimately the parties consented to go in a carriage with the child to the Hoop. When they arrived at that hotel, she refused to give up the child, which was ultimately taken from her by force, no unnecessary violence being used. She then broke the windows, and conducted herself with considerable violence. She said "she had lain in at that hotel, and Dr. Wodehouse could prove it."

Edward Litchfield, a fruiterer, who was called in by plaintiff and her sister, to protect them at the Hoop, corroborated the evidence of Tyrrell, as to the absence of violence on the part of the defendants.

Dr. Wodehouse proved, that Eliza Wagstaff's story of his having delivered her of a child was utterly false. He had never heard that she had been confined at all, till these disputes arose. In October last, when Bruere was supposed to be dying in the Fleet Prison, Dr. Wodehouse (who is an amateur portrait painter) went thither for the purpose of taking a portrait of Bruere before his

death. In the inside of the coach, by which he went to town, were Bruere's little boy and the disputed child. The children were taken to the Fleet to see their father before he closed his eyes in death, and in the presence of Eliza Wagstaff, who claims the child as hers, "Arney" was called and treated by all present as the child of Mr. and Mrs. Bruere. Dr. Wodehouse found Bruere in the most deplorable state, arising from his long confinement and the immoderate use of brandy. He prescribed some opening medicine and a total abstinence from brandy, and under his treatment the patient rapidly "shot up," and is now quite well.

Henry Wagstaff, one of the brothers of the plaintiff, swore that he never knew or heard of the pregnancy of Eliza in 1826 or at any other time. Mrs. Bruere was pregnant in 1827, when Eliza assisted her in her domestic affairs; she had no illness in that year, and was never confined to her bed in Bruere's house. It is not true that Bruere was reconciled to his wife through Eliza; it was through the means of the witness. He saw Mrs. Bruere's child within a few days of its birth, and frequently afterwards, and in March and April, 1828 (after the imputed exchange); it was the same child, and he had never heard of a second child in the family in his life. By the Jury.—My sister Eliza never underwent any examination at my desire, under a suspicion of pregnancy. The child was not called "Arney" till it could run alone, and I know of no cousin of that name.

Mr. Fawcett, who was in part-

nership with Mr. Farish in January, 1827, had never heard that gentleman speak of having attended Miss Wagstaff in any confinement; the greatest confidence existed between witness and Farish. The witness kept the books, and they contained no entry of any such case. No respectable medical man would allow a woman to travel for half a mile within a few hours after her delivery; it could not be done without danger to her life.

Mrs. Huish, a daughter of Mrs. Wagstaff, proved that she was living with her mother in January 1827, and that she had never heard of her cousin Eliza having been confined at their house; she must have known it. It had never been hinted to her, that she was pregnant, nor was a child ever brought by the wet-nurse to their house for Eliza to see.

Mr. Fickling, a surgeon in Cambridge, attended Mrs. Bruere in her confinements. He vaccinated the eldest child (daughter) in June, 1827; attended her at various periods in 1828, and saw her in 1829 (after the imputed exchange), and swore distinctly to its identity with the child in dispute, for which he gave very convincing reasons. The child bore a remarkable resemblance to Mr. Bruere.

Sarah Wilson, the nurse who attended Mrs. Bruere in her first confinement, had frequently seen the child since, and was quite sure that the child in dispute is the same; she could not be mistaken.

The jury here rose, and the foreman said they should be sorry to prevent Mr. Kelly from going

on with the case, but their minds had long been made up as to the truth of this extraordinary case.

Mr. Kelly said, he would not press the case further.

The jury then returned a verdict for the defendants.

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### AUGUST.

1. ARMAGH ADJOURNED ASSIZES.—William Brownlee, William Corrigan, Robert Corrigan, Stephen Burrowes, Thomas Burrowes, John Burrowes, James Mann, Samuel Proctor, Joseph M'Mullen, William Gillespie, Arthur Stringer, and William Weatherhead, were indicted, for riotously assembling and making a great affray, on the 17th of January, 1835, at the parish of Annagh. There was a second indictment, for appearing in arms on the same day, to the terror of his majesty's subjects: and a third indictment, for an assault on Edward Molloy.

Edward Molloy, remembers the 17th of January, 1835; on that day saw a large number of persons assembled, about 100 armed men; they went past witness's house, towards Kinnigo; they marched in rank and file; saw them go about three-quarters of a mile, having kept in view of them; some said they would go to the gravel-hole, others said not, and they divided; they had drums and fifes; saw Arthur Stringer, Samuel Proctor, William Corrigan, Robert Corrigan, William Weatherhead, and Thomas Burrowes. Saw Burrowes come out of his own house with a gun and follow the party. John Burrowes also had a gun. Stephen Bur-

rowes came into witness's house that morning before he saw the party; he said "they would have a Gleno touch that day." This party fired at witness. There were seven shots fired from that place. Saw James Mann and Stephen Burrowes standing together at this time. Mann had then the gun in his hand. Saw a party coming back again, which he took to be the same. Saw none of the prisoners in this return party. Witness got behind his own house. Saw them go to burn Kelly's house. Stephen Burrowes prevented them. Is sure the prisoners were amongst the party. Saw Larry Connery's house burnt. Saw four men leave the main body and go to Connery's before he saw it on fire. The party remained on the road and were firing shots at the house. They had burnt other houses. The prisoners were of that party.

Cross-examined by Mr. Mayne.—Saw or heard no shots fired at the traversers. A report was spread, that a challenge had been sent to the Protestant party, but does not know it of his own knowledge. The traversers were his neighbours, except Proctor. Swore informations after the assizes against the traversers. Heard shots fired, and the bullets whistling past. The neighbourhood was greatly alarmed. Knew two of the Killyman boys.

James O'Connor lives near last witness. His house is between Kinnigo and Annahagh. On the 17th of January, 1835, saw the men pass his house about nine o'clock, 150 in number. They came up a new line of road. They had a drum and fife with them. Saw guns. Better than half of them

had guns. Did not see any person taking the lead. Knew William Gillespie and William Brownlee in the party, and Joseph M'Mullen. Is not quite sure of M'Mullen. Heard the party shout "To hell with the Pope." Nothing happened where witness was. Went to Kilmore after the party passed about an hour. Thinks it was the same party he saw at Kilmore. Went up to the hill and saw a few shots fired from Kinnigo-hill towards witness. Witness returned again to the cross-roads, and saw three or four houses smoking. Came to his own house, and then went to Burrowes's house, and brought Stephen Burrowes out. Went to Edward Mullen. Heard Joseph M'Mullen say it was a distressed looking place, and he was sorry for it. On the party returning in the evening, saw William Gillespie and William Brownlee.

Cross-examined. — Knows Joseph M'Mullen. Does not remember if he ever gave him a good character. Supposes he said to Dr. Martin he was a man of good character. Swore his information at last assizes. No person induced witness to swear. Never said he swore against these persons in the wrong. Never said that Mr. Jones was greatly to blame for swearing him to his informations, he being drunk at the time. Dr. Martin asked witness to put his name to a certificate of M'Mullen's being constable. Witness put his hand to it.

Margaret O'Connor. — Knows the prisoners; they are neighbours of hers; saw none of them in the party; the Burroweses were at home, next house to witness; they protected her; they

had no arms; is sure they would not be engaged in an affair of this kind. Saw the artillery and magistrates at a distance.

Patrick Mullen. — Remembers the day the house was burnt in Annahagh. Saw the party pass by, about 100. They were armed. John Burrowes and Arthur Stringer were with the party, and had guns. They had music. These two persons were in the tail of the crowd. Saw the party returning in the evening. Did not see the prisoners there.

James Kelly, examined by Sir Thomas Staples. — On the day the houses were burnt saw a large party on the road at Annahagh. Was in view of the road near the cross. Upwards of a hundred, mostly armed, marched past, pretty quick. Saw some bayonets on the guns. They were coming from Charlemont. Saw Thomas Donnelly among them. Saw at the cross-roads William Brownlee when the party was coming up. He had a gun in his hand. Saw John Burrowes. Saw three men rather keeping back the party. When he first saw Brownlee, there were about ten with him; they all had arms. Did not see him after. An hour after this saw houses on fire at Annahagh. Did not see where Brownlee went, as witness left the place, being shot at. The balls tore up the snow. Saw John Burrowes at the cross-roads. Saw Stephen Burrowes at the last house—he was leaving it. Saw Joe M'Mullen coming up when the party were going down; they saved witness's father's house.

Cross-examined by Mr. Mayne.

—Heard the night before, that a party were to come from Killyman. Heard it was because of words which took place at colonel Verner's election that they came there.

The following witnesses were called for the defence :—

Thos. Martin, M. D. On the morning of the fire at Annahagh went to see Joe M'Mullen. Heard of a party passing through Charlemont before that. About twelve o'clock the smoke was quite visible from Charlemont. M'Mullen was in bed at half past eleven, and about twelve he saw him out of bed. Was surprised to see him. He went with witness to the end of Charlemont toward Kinnigo. Met Mr. Olpherts and an artillery officer coming into town. About a mile further met a party of armed men walking smartly towards Charlemont. M'Mullen was with him then. They were strangers to witness. Heard they were Killyman men. Went with M'Mullen to Kinnigo-hill. Saw a number of persons collected there. M'Mullen is town constable. After this he saw the artillery. Went and joined them. Saw Mr. Olpherts and Sir Frederick Stoven. Heard M'Mullen ask Sir Frederick Stoven what was best to be done, as the people on the hill said they were there merely on the defensive. They agreed that witness M'Mullen should return to Kinnigo-hill, and strive to get the people to disperse. Thinks Sir Frederick and Mr. Olpherts went further up the road to disperse the Roman Catholic party. Witness and M'Mullen returned to the hill, and as soon as the people there heard they were gone to disperse the others, they then dispersed.

They told witness, that they had assembled to protect themselves from an attack which was expected. After leaving the party towards Callanbridge, returned again to Kinnigo. M'Mullen was all the time but about a quarter of an hour in his company. Had conversation with James Connor, after summer assizes last. He said he had been made drunk by Hagarty—so much so, that if he lodged informations against M'Mullen, he perfectly forgot it, and blamed Mr. Jones for taking his information when he was in such a state, and he knew nothing of the affair. He also said, that he would not accuse M'Mullen of the outrage.

Mr. Edward O'Bre. — Had conversation with Connor after spring assizes. He asked witness was he a grand juror, and said, if any bills had been sent up against M'Mullen and others for the burning, for witness to use his influence to have them ignored, as he was made drunk for the purpose of swearing against these men, and knew nothing of the affair.

Mr. William Olpherts.—Was a magistrate. Never was an Orangeman. Was called on, as a magistrate, on the day of the burning at Annahagh. Sent for troops to Charlemont. Afterwards went himself to the barracks, and went with the troops. Halted them on the road between Kinnigo and Kilmore. The country was greatly excited and the people out on the hills. Met Joe M'Mullen at the end of Charlemont. Desired him to go out and prevent matters from going to extremes, until he should get out the military. When witness

went back to Kinnigo he saw M'Mullen and Dr. Martin coming from the hill; they said the people on the hill said they had collected to defend themselves from an attack which was expected. This was in presence of sir Frederick Stoven. Sir Frederick wanted witness to attack the people on the hills with the artillery and police, which witness refused. Witness and Sir Frederick then proceeded about half a mile further, and saw a number of armed men, who ran away on their approach. Returned again to Kinnigo, and found that all the persons had retired. Went round to old Burrowes's house. Saw Stephen there. They said all was over, if an attack was not made on them. Went back again to the troops and remained about half an hour, and then went home. Most of the traversers live at the place. The country was in such a state that day, that he considered it necessary for them to arm, fearing an attack. Witness had all the persons about his house armed on that day. Knows Stephen Burrowes and his family. There cannot be better characters. He would, as a magistrate, call on them to assist in keeping the peace. Heard firing that day between twelve and one, before the party had dispersed from the hill. Connor, about twelve months ago, before last summer assizes, came to witness along with Stephen Burrowes, and said that he was made drunk by Hagarty, when he swore before Mr. Jones against these men.

There were eleven houses burnt on that day—all Catholic houses. No Protestant house was burnt. Saw some Roman Catholics armed

that day, near Kilmore. Kilmore and Mullinary are populated entirely by Roman Catholics; and when witness was going to Charlemont, he saw numbers of people going up the ditches, stooping with guns in their hands. Has no doubt they were Catholics.

At four o'clock the chief justice rose to charge the jury. His lordship laid down the law with respect to tumultuous assemblages, and remarked, that in this country the state of society was such, that it was absolutely necessary to enforce that law to its utmost extent. The evidence in this case exhibited, not an ordinary quarrel, arising from momentary excitement—not the proceeding of a mere mob, led on by heated and angry feelings to acts of extravagance; but it exhibited the king's subjects assembled on opposite sides by mutual "challenge," and deliberately arrayed in arms.

The jury returned a verdict of *Not Guilty*.

—SHREWSBURY.—*The King v. Patrick Donnelly, Edward Donnelly, Lawrence Curtis, John Rooney, and John Mulholland.*

The prisoners, who were Irish labourers, were indicted for a highway robbery upon Thomas Woodward, who stated that on the 23rd of March last, he went to Wrexham fair in a gig with his nephew, Mr. Thomas Urwick. Having transacted his business, he returned to Shrewsbury. He left Ellesmere at twenty minutes to seven o'clock. Having arrived at a place called Wackley about half-past seven o'clock, his mare started at something black in the road, and backed. Immediately two men came in front of the

horse, and three came behind the gig. All five came from the bank on the side of the road. He swore that the prisoners were the men. Patrick Donnelly went to the mare's head and put it under his arm, and came along towards the gig. Mulholland stood at the mare's head. Curtis, who was at the back of the gig, struck him a blow on the head with a bludgeon, which stunned him. On recovering, he found two of them pulling him out of the gig. He laid hold of the lamp iron, but received another blow which broke the iron and brought him to the ground. Edward Donnelly tilted up the gig. He had his recollection as he fell out, and found himself lying on the ground, one person lying across his head, and another across his legs. They got off him, and he attempted to rise. They beat him with sticks, till he became quite senseless. They robbed him of nine sovereigns, two 10*l.* notes, one 5*l.* note, and 19*s.* in silver. At last he recovered, but the prisoners were gone.

Mr. Thomas Urwick was driving the gig, and received a blow under the eye with a stick, which deprived him of all sense until the whole was over; and when he did recover, he found that he had lost a silver watch and his money.

A number of witnesses were called, who traced and identified all the prisoners from Ellesmere, where they were at one o'clock, to the spot where the robbery was committed, and till a few minutes before the prosecutor was attacked. A young man named Griffiths proved that he rode by along the road at the time when the robbery was being committed. He did not see the persons, but hearing a scuffle he was alarmed,

and galloped off for assistance, until he met Miss Fanny Price, who was coming along the road to Wackley, when she heard a scream of distress, and went forward towards the place where it appeared to come from. She met a horse and gig, and the last witness, and then came up to Mr. Woodward and Mr. Urwick.

Richard Green, keeper of the lock-up in Manchester, apprehended the five prisoners there on another charge. He searched Mulholland and found a silver watch and fob pocket upon him. This was on the 30th of March.

Joseph Sadler Thomas, superintendent of police at Manchester, Curtis, being at the New Bailey, said he wished to speak to me. I said, "if it is anything on this charge, I cannot hold out any prospect of pardon." He said "I am determined to tell the truth." He then went into a long statement affecting himself and the other prisoners at the bar, and said, "I was present at the robbery of two gentlemen in a gig on the road between Ellesmere and Shrewsbury." He stated who were with him, by name; they were the other prisoners. In the division of the plunder he was cheated by the rest. He could not read, and they told him they had only 5*l.* notes. I examined Mulholland as to the watch and the fob; he said that he found it near Stockport a few days ago. I brought the five to Shrewsbury. On the way Mulholland said, "they have used me very ill;" and Curtis said, "so they have me;" and both said they would tell all about it. Mulholland said, "it is no use denying it, we were all there, but I did not ill-treat the gentlemen."

The watch and fob were then identified by Mr. Urwick as those which he had lost. The jury found them all *Guilty*.

His lordship then passed sentence of death upon them all, saying, however, that probably Mulholland's life would be spared, as he appeared not to have been so violent as the others.

3. SALE OF A WIFE.—This morning, the sale of a wife took place at the New Islington Cattle-market. About nine o'clock, a man about forty-two years of age, of shabby-genteel exterior, led a good-looking young woman, about thirty years of age, with a halter round her waist, to Smithfield-market, and having tied her up, was about to offer her to the highest bidder; but several persons interfering, it was agreed to go forthwith to Islington-market to accomplish their object; and in order to expedite the matter, they jumped into a hackney-coach, and were driven off at full speed to the spot where the marriage knot was to be dissolved. They were followed from Smithfield by a young man of decent appearance, who, on seeing the wife tied up at Islington-market, bid 5s. for her; he was outbid by several persons, but subsequently he became the purchaser of the lot for 26s., and conveyed her home in a coach to his lodgings. The other man walked home whistling merrily, declaring he had got rid of a troublesome noisy woman, and it was the happiest day of his life.

10. EXTENSIVE ROBBERY OF JEWELLERY, &c. AT THE PORTUGUESE AMBASSADOR'S, AND TWO HOUSES ADJOINING.—Three mysterious robberies were perpetrated between the hours of one and seven

in the morning, at Nos. 55, 56, and 57, Baker-street, Portman-square. The first of these houses is inhabited by the Portuguese ambassador and suite: the second, by colonel Barron; and the last, by Mr. Troward. Between ten and eleven o'clock this morning, Morrison, an officer belonging to the Marylebone police establishment, was sent for by colonel Barron, whose servant had a short time previously discovered, that the premises had been plundered of a quantity of gold coin, and other articles of much value, which had been abstracted from drawers in the upper part of the house. Morrison examined the apartment, and found that the locks of the drawers had been forced; the outer door of the room did not present any marks which indicated that violence had been resorted to, in order to effect an entry; neither were there marks of footsteps by which the thieves could be traced from any back window, through which, it was at first presumed, they might have gained admittance, by climbing over the leads about the building. Inspector Tedman, and Morrison then examined the house of his Excellency, and found that the lock had been forced from an *escritoire* and drawers in the front parlour, from which the depredators had stolen a quantity of jewellery. In the same apartment were deposited bank-notes to the amount of nearly 3,000*l.*, which were secreted in a box in a small closet, and fortunately escaped the thieves' notice, as also various choice articles of plate, paintings, &c. In one of the drawers, which had been deprived of the greater part of its contents, Inspector Tedman found a bag of 110 sove-

reigns. Mr. Troward, whose dwelling was next examined, was discovered to have been robbed of some cash and plate, in addition to seals, rings, &c. The servants belonging to the plundered establishments were closely questioned with regard to the manner in which the doors were secured when they retired to rest; and, from their replies, it would seem that the fastenings were made, in every respect, as usual. The domestics, by whom the doors were unlocked in the morning, declared that they found them in the same state as when fastened up at one o'clock, and that not the slightest noise was heard which could for a moment induce them to think that any intruder was on the premises.

**ROBBERIES IN PARIS.**—It appears from the French papers, that a great number of persons have of late been robbed in the streets of Paris, between the hours of ten and twelve o'clock at night. In almost every instance, great violence has been used by the robbers, and in some cases, assassination has been attempted. On Monday last, an Irish gentleman, Mr. Nagle, was attacked in the Rue de Varennes, and was so severely wounded, that he expired on Wednesday. Mr. G. S. Grenfell, and Mr. W. Douglas, grandson of Admiral Douglas, were attacked on Monday night by four ruffians, in the Rue de Bondi. By the stout resistance they made, they succeeded, not however without serious injury to themselves, in putting three of them to flight, and in capturing the fourth, whom, with the assistance of a national guard from the Corps de Garde of the Chateau d'Eu, they conveyed to the commissary of police. On Tuesday night, about half past eleven, a butlerman

living in the Rue du Regard, was attacked by three or four individuals at the moment of reaching his own door. He was very seriously wounded, and left in the street. A workman, returning home late on Sunday night, was stopped and severely beaten by a robber in the Rue du Haut Moulin, but his cries aroused the inhabitants, and two of them came out and pursued the villain, who was overtaken and seized in the Marché aux Fleurs. The man assaulted was obliged to be taken to the Hotel Dieu. M. Serget, the master of a school near the church of St. Thomas d'Aquin, was a few nights ago reading in his bed, when a man, who had got over the garden-wall, by means of a ladder, entered his chamber. M. Serget's calls for assistance raised the house, but the intruder made his escape, after threatening M. Serget that he should be murdered.

The grocers' and mercers' shops have also lately been the marked objects of the attacks of thieves. Four of them were taken on Tuesday, in the Place Maubert, who had brought, in a fiacre, a quantity of sugar, coffee, and India handkerchiefs, to deposit with a woman named Poulandon, in whose house were found numerous stolen articles.

**THE ACCOUNT GIVEN OF THE ESCAPE OF HENRY WILLIAMS FROM NEWGATE, BY HIMSELF.**—Henry Williams, alias Thomas Whitehead, a chimney-sweep, who lately escaped from Newgate by climbing the wall of the capital convicts' yard, was apprehended in the county of Hants, for committing a burglary at Lymington, and lodged in Winchester gaol. Mr. Cope, the governor of New-

gate, went down to that place, and immediately recognised the unfortunate fellow, who gave the details of his enterprise. Of the persons who visited the prison of Newgate to view the path which it was supposed he took in his ascent, almost everybody went away laughing at the extreme improbability of the enterprise, and convinced that the whole mystery was solved, by ascribing to the turnkeys such negligence, as left an easy transit through the swivel gates and doors of the gaol. The statement of the man, himself, however, corresponding as it does exactly with the more accurate examination of the ascent, and with the particulars detailed by those who have the superintendence of the prison, entirely removes all doubt of the miraculous nature of the escape.

The capital convicts' yard, viewed from the top of Newgate, presents an appearance of the most perfect security. The walls, by which it is surrounded, are between sixty and seventy feet in height, and form four right angles. In one of these angles, near which there is built, some feet from the ground, a water cistern, the granite has been rendered more rough, and what builders call rusticated, in consequence of the burning of a large quantity of scaffold-poles and ladders, which were deposited against the side of the wall at the time of the riots in 1780, and which caught fire, and were totally consumed. About fifty feet from the pavement of the yard is erected a revolving iron-work, or *chevaux-de-frieze*, to prevent the ascent of any person who might have the aid of ropes from above, and considerably higher than that are fastened in the walls, between the prison and the adjacent buildings,

a number of large sharp projecting iron spikes. Supporting the frieze there is an iron railing with upright spikes, upon which a man who wants to escape must walk, after having accomplished the task of scaling the walls. The adventurer has then to spring from the railing eight or nine feet, in order to reach the top of the day-room to the cells. The least slip, after having mounted a few feet above the cistern, must be fatal. Through all these difficulties and perils Williams had to pass; but although he knew, as he says, that "he had his work to do," he did not expect to encounter such tedious labour; for he supposed, that at the angle at which he had contrived to reach the ironwork, he would have been enabled to reach the top of the wall, by getting between the revolving spikes and the wall, and in this expectation he was disappointed. He could by no means thrust his body into the narrow space, and was obliged to go round three quarters of the square, by means of the ironwork, until he reached the projecting bars of iron, under the top of the day-room, to the cells. He then mounted the topmost wall, in doing which he broke away a little mortar with his foot, and he believed that if a little more had given way, he should have been plunged into the abyss. He did not trouble himself with looking back at the dangers he had passed, but cast his eye round the top of the houses in Newgate-street, to find some passage to the street; he was convinced, that if he could not effect his object by means of a sky-light, or accidental ladder, he could successfully prosecute his journey down a chimney; but he neither wished to frighten

anybody, by entering an apartment from a chimney, nor to expose himself to the danger of detection. Getting over the top of the cells and day-room, he passed on to the roof of the ordinary's house; and finding all possibility of entrance denied there, he climbed over the Newgate-street roofs, not one of which presented any hope, and then turned to the roofs of the houses in Warwick-lane, upon one of which he saw a woman hanging out some clothes to dry on the leads. He hid himself behind a chimney until she disappeared down a step-ladder, and then followed her gently, and appealed to her compassion.

He had been, after he gained the free passage over the houses, obliged to avoid the gaze of the workmen at Tyler's manufactory, formerly the College of Physicians in Warwick-square, by incurring other hazards; and finding his coat an incumbrance, he left it on the top of the third house in Newgate-street, so that when he made his appearance before the woman in his descent, all the clothes he had on were the gaol shirt and trousers. In passing through the house, he had to encounter another woman, and a girl about fourteen years of age, but his assurance to them that he was running from the gallows, soon cleared the way to the hall door, out of which he walked with one shilling and fourpence in his pocket to begin the world again. He immediately crossed over to Christ's Hospital, where there are some new buildings, but was told by the workmen to leave the place, as there was no thoroughfare, and there was no business on the spot for naked beggars. He then walked up Newgate-street, along Cheapside, and over London-

bridge, from which he proceeded on to Wandsworth. The first house into which he entered, after having quitted his prison-house, was a beer-shop in this village, where he drank a "pint of heavy that gave him comfort." It was now about eight o'clock, and he walked on till he reached the entrance to Kingston, in a field close to which he stretched himself and slept soundly till four o'clock in the morning, when, hearing the cry of "sweep" in the town, he followed it, and succeeded in getting employment in his old trade from a widow, who gave him what he called his "bub and grub," and one shilling and sixpence for nine days' work. This sort of remuneration not suiting him, he quitted the neighbourhood of the metropolis, and in a few days he reached Gosport. He could not, he declares, get any work to do, and was obliged to look for a bit of bread in any company he could fall into, and he was at last apprehended by a policeman on a charge of housebreaking.

Mr. Cope asked him how he contrived to spring from the spikes to the top of the wall at the side of the day-room to the cells, especially as he was barefooted? Williams replied that he felt some inconvenience from the spikes, which stuck up in his feet, and one of which "poked" a hole in the small of his back, but he found that by keeping himself steady, and not suffering anything to frighten him, he was able to get on very nicely. He believed at one time that he should have fallen through the skylight of one of the houses in Newgate-street, as part of the mortar gave way, but his good luck stuck to him all through; and although several

persons from the garret windows of the neighbouring houses saw him, and looked with curiosity at him as he laboured for his release, nobody made the least noise: and he believed the reason no alarm was given was, that those who beheld him in his perilous situation had humane fears for his life, and determined not to endanger it. Mr. Cope asked him by what means he managed to mount the wall from the cistern? Williams replied that he had contrived, by keeping his back to one side of the angle and working with his hands behind him, while he worked with his bare feet in the nook, but without touching his shoulders or any part of his back to the wall, to reach the revolving iron work; but he did not think, if he had known the difficulties would have been so great in passing the iron-work, he should have thought it worth his trouble. Once, however, up, he resolved to go through with the job.

14. This morning the metropolis and its suburbs were visited by a thunder-storm, which appeared to extend for many miles in a south-easterly direction. For upwards of an hour the rain fell in torrents. In some parts of the metropolis the streets were under water for a considerable time, owing to the drains and sewers being choked up, and where they were in a defective state, great mischief was done. The thunder and lightning, peal upon peal, and flash upon flash, followed in rapid succession; and about eight o'clock an unusually loud clap of thunder took place, which seemed to proceed from towards Blackheath, and continued for some time. A boy passing over the heath was at the same moment killed by the

lightning, which also struck a tree in the vicinity, and shattered it to pieces. The electric fluid went over Rotherhithe, where many persons were greatly alarmed, and entering the top of the George public-house, near the Commercial dock, destroyed part of the roof, passed through several rooms, and went out at the side, doing considerable damage in its progress, and striking a girl, whose arm was so severely scorched that it is feared she will never recover the use of it. Mr. Wickers, an elderly man, landlord of the King's Arms, a waterside public-house on Millwall, Poplar, was standing at his window, watering some plants and flowers, during the storm, and was knocked backwards by the force of the lightning, which, however, did not enter the room. He was for some time insensible, and it was several hours before he entirely recovered from the effects of the stroke. The electric fluid spread in all directions, and struck the mast of a sailing-barge proceeding down the river, and shivered it and the sail in a thousand pieces. The man at the helm was knocked over-board by the shock; but he was immediately picked up by his mates. The violence of the storm abated soon after eight o'clock, but the rain continued falling heavily until eleven o'clock. Some other accidents, but not attended with serious consequences, occurred during the storm; and the steamers, generally so much crowded on Sunday morning during the summer months, were quite deserted.

16. HOUSE OF LORDS.—*Sir W. C. Anstruther v. Anstruther.*—This was an appeal from the court of session, bringing under the consideration of their lordships the

question whether an heir of entail, being also the heir of line, was bound, by the laws of Scotland, to collate the real estate to which he had succeeded, before he could claim a share of the personalty of the deceased. By a decree of the 28th of November, 1833, the lords of the second division of the court of session had declared that the heir of entail must collate the real estate, before he could take any benefit from his share of the personal estate. That decree was appealed from; and in April, 1835, the House of Lords forbore to give any judgment on the question, but directed the case to be remitted to the court of session, with an instruction to have the point argued before the whole of the judges, including the lords ordinary, and to pronounce judgment according to the opinion of the majority of the whole. The cause was accordingly argued before all the Scotch judges, and on the 20th of January, 1836, the judges pronounced unanimously the same decree as before. The present appeal was then brought.

The Lord Chancellor now delivered judgment. The judgment below had proceeded chiefly on the authority of a case known as the little Gilmour case, and that case had been cited as an authority in the arguments at the bar of this house. He did not admit that case's authority binding on this house; for, if opposed to the true principles of the law, the house might overrule it; but the question now was, whether it was opposed to those principles. His lordship then went into a consideration of all the leading cases and rules of Scotch law on this subject, and concluded by saying that he thought the little Gilmour case was rightly decided, and if their

lordships agreed with him in opinion, they would affirm the judgment of the court below.

Lord Lyndhurst concurred in the opinion that the judgment of the court below must be affirmed.

*The Marquess of Breadalbane v. the Marchioness of Chandos.*—

The lord Chancellor stated, that this was an appeal, bringing under the consideration of the house two questions—the first, upon the construction of the marriage settlement of the marchioness of Chandos, formerly lady Mary Campbell; and the other upon the same rule of Scotch law which their lordships had already disposed of in the preceding case, as to the liability of the present marquess of Breadalbane to collate the real estate, which he took, as heir of entail, before receiving any share of the personal estate of his deceased father. Lady Chandos was the daughter of the late lord Breadalbane, and in 1819 married lord Chandos. Upon her marriage, a settlement was executed, according to the English forms, and certain annuities, or rent charges, thereby expressly declared to be in satisfaction of her dower, were granted out of the estates of the duke of Buckingham. The settlement also provided that the marquess of Breadalbane was to pay the sum of 30,000*l.* “as the portion or fortune of the said lady Mary Campbell,” but there was no express renunciation on her part of any further claim on the property of her father. The late marquess of Breadalbane died on the 29th of March, 1834, leaving three children—the present Marquess of Breadalbane, Lady Pringle, and lady Chandos. Lady Pringle had, in fact, released her father's estate from any claim on her part

to *legitim*, or child's portion ; and the only parties now contesting the property were the marquess of Breadalbane and lady Chandos. The late marquess of Breadalbane left a very large succession both in heritable and moveable property ; the heritable estate was held partly under strict entail, and partly in fee simple. The present marquess of Breadalbane succeeded to the heritable estate as heir of entail, and claimed to share in the personalty of the late marquess, without being called on to collate the value of the real estate of which he had already entered into possession. The case had come before the court of session on these questions ; and that court had decided that the marchioness of Chandos had not renounced her claim of *legitim* by any contract of marriage ; and in respect of her being the only daughter who had not renounced, the court found that her claim was one-third of the moveable property of her father, and that it was not liable to be reduced by imputing to it any part of the sum given to her in the contract of marriage ; and further, that the present marquess of Breadalbane was not entitled to take his share of the moveable estate without first collating what he had become possessed of from the heritable estate. As to the last part of the decree, the decision of their lordships in the preceding case of "*Anstruther v. Anstruther*" had already settled that point. Then it was said on the part of the appellant, that the marriage settlement of lady Chandos being a bar upon her claim to any share of the English estates that might be left by her husband's father at his decease, it must be equally a bar to any claim of hers to the Scotch estates of her own father. It was

not because a particular deed executed in one country, was in the country where it was executed a bar to certain claims of parties executing it, that it must, therefore, be a bar to the rights of the same parties in another country. The cases upon renunciations and double portions, many of which his lordship referred to, did not, in his opinion, apply to the present case, and he was therefore of opinion that the decree of the court below, allowing lady Chandos's claim of *legitim*, and disallowing the claim of the marquess of Breadalbane, except he collated the real estate, should be affirmed.

Lord Lyndhurst concurred with the opinion of the lord chancellor.

19. HOUSE OF LORDS.—THE EARL OF DURHAM *v.* WHARTON. Lord Lyndhurst delivered judgment in this case. This was an appeal from a decree of the Vice-Chancellor which had been confirmed by Lord Chancellor Brougham, and by which Mrs. Wharton had been declared to be entitled under the will of her father, to a sum of 10,000*l.*, with a large arrear of interest. Mr. William Lambton bequeathed to his niece, Susan Lambton, afterwards Mrs. Wharton, the sum of 5,000*l.*, which sum was charged on the real estates devised to his brother, General Lambton, who afterwards bequeathed 10,000*l.* to his daughter, and declared that that sum should be in addition to the sums which she was entitled to under her uncle's will. Miss Susan Lambton afterwards married Mr. Wharton, and her father advanced her 10,000*l.* as a marriage portion ; stating in the deed of settlement that this was in satisfaction of all sums to which she was entitled under the

will of her uncle, William Lambton. There were some circumstances in this case which did appear very singular. General Lambton died in 1794; and this legacy was not claimed till 1826, a period of thirty-two years after the death of the lady's father, she alleging that until then she did not know that she was entitled to anything under her father's will; that she then first became acquainted with it in consequence of a communication from the agent of Lord Eldon, who was in negotiation with the Earl of Durham for the purchase of a portion of the estates, and who, on behalf of the Earl of Eldon, required that the vendor should give the purchaser an indemnity against this very legacy. Now, immediately after the death of the father, that will was read in the presence of her two brothers and her sister, the last of whom took a legacy of 10,000*l.* under the will, and Mrs. Wharton might reasonably be expected to have known what were the bequests in that will, she being, as she declared, the favourite child of her father. The statement of ignorance did therefore appear to him most incredible: he came to the conclusion that the circumstance of the bequest in the will must have been known to her, and he therefore thought it must be taken that this settlement had always been treated by the parties as a satisfaction of the legacies under the will of the father and the uncle. His Lordship then went into the law relating to the satisfaction of legacies by other provisions for the legatees, and declared himself of opinion that the decree in this case ought to be reversed. He felt it, however, his duty to state, that Lord Brougham,

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who, with the Earl of Devon and himself, had heard this case, was of a different opinion; but that Lord Devon's opinion fully concurred with that which he had now expressed. Under these circumstances he moved, that the judgment of the Court below be reversed.

Judgment was accordingly reversed.

23. ASCENT OF MRS. GRAHAM AND THE DUKE OF BRUNSWICK IN A BALLOON, AND THE FALL OF THE FORMER FROM IT.—Mrs. Graham, and the Duke of Brunswick had ascended in a balloon from the Flora Gardens; and in consequence of the announcement that Mrs. Graham would return to the Gardens after her descent, a considerable number of persons remained there until a late hour awaiting her arrival, which not having taken place at 12 o'clock, great fears were entertained for the safety of the aeronauts. Those fears proved too true as far as concerned Mrs. Graham, that lady having sustained severe injuries in her descent, which took place in the neighbourhood of Brentwood, Essex, about 5 o'clock. The following account of the unfortunate accident is given in a letter addressed by the Duke of Brunswick to Captain Currie.

*"Converse Farm, near Brentwood.  
9 o'clock, p. m., Aug. 22.*

"My dear Captain,—Uncertain whether you have or not followed our balloon with Mr. Graham, as you intended, I address these lines to your house, containing an exact account of what has happened.

"After ascending a considerable height, it appeared to me as if the balloon suddenly became motion-

less, neither ascending nor descending, and on my inquiring the reason of Mrs. Graham, she replied, that when she ascended with a person who had never before been with a balloon, she did not like going too high for fear the effect would be disagreeable to them. I answered her, that I felt no unpleasant effect whatsoever from the altitude we had attained, and that I wished to get out of sight of the earth altogether. Mrs. Graham upon this threw out a considerable quantity of ballast, and we then ascended to so high a point as completely to lose sight of *terra firma*; for although I kept my telescope constantly to my eye, I could perceive no trace of it. I then remarked to Mrs. Graham, that the position in which we then were was much more agreeable to me than when the earth was visible, the car having the appearance of floating on the clouds, similar to a vessel on the sea. Mrs. Graham at that moment drew my attention to a most beautiful appearance in the clouds, which by the refraction of the sun's rays gave a perfect reflection of the balloon and the car, with ourselves, adding that such a phenomenon was most extraordinary, and very seldom witnessed. Much to my disappointment, we soon regained sight of the earth, when I again expressed a desire to ascend higher; but Mrs. Graham said she was afraid we had not sufficient ascending power to do so that day. She then discharged some ballast from the safety-bag, but rather declined to accede to my request to discharge all its contents, which rendered its effects very slight, as we remained nearly in equilibrium. Mrs. Graham, at my request, then explained to me the management

of the valve of the balloon. Shortly afterwards, I asked her if my rising on my seat to take off my great coat would disturb the balance of the car, but upon her assuring me it would not, I did so, feeling it very warm.

"From that moment, in my opinion, we commenced our descent, although Mrs. Graham thought the contrary, but she was convinced of her error by paper being thrown out. At this period Mrs. Graham asked me if I did not feel considerable pain in my ears, and upon my assuring her of the contrary, she said I was possessed of very strong nerves. I, however, soon experienced it to a very severe degree.

"The balloon at this moment commenced twirling round like a top, in its continued descent, when Mrs. Graham asked me if it was disagreeable, saying it was occasioned by our having entered a different current of air. I replied that I did not much admire it, but that I felt no giddiness from it. Mrs. Graham then threw out the grapple on one side, and the safety-bag on the other, the rope of which latter was so short that it kept dangling about half a yard below the car, a circumstance which appeared much to dissatisfy her. She then asked whether it would make me giddy to look down from the car and observe what the grappling iron was doing. I immediately did so, and replied it had no effect on me. She next inquired if I remembered her informing me the balloon could be converted into a parachute, and requested me to observe it was then in that state. I then saw her mount upon her seat and lay hold of the ropes which fastened the car to the

balloon. She desired me to do the same, observing we were coming down rather faster than she wished. I followed her advice, although deliberately ; observing that we were at so great a distance from the earth that I could not yet distinguish one object from another. But I had scarcely put myself in the position required, when I felt the car strike with the utmost violence on the ground, and overturn ; the balloon itself touching the earth, and dragging us about 30 yards, until it rose again. By the violence of the shock I was thrown head-foremost out of the car, at the height of about 18 feet, but I contrived to fall upon my hands, and escape uninjured. Having gained my feet, I had the great grief of seeing Mrs. Graham fall from the car from a much higher distance than I had fallen ; and from the apparently lifeless manner in which she lay, I was at first fearful she was killed. I immediately proceeded to her, and found she had fallen on her head, and was quite insensible. Mr. Amor, the farmer on whose grounds we had fallen, with a number of his people, soon came to my assistance, when the unfortunate lady was conveyed to the residence of that gentleman, Converse Farm, in the parish of Doddinghurst, near the town of Brentwood, Essex, where she still remains. I instantly desired medical assistance might be sent for ; and she was soon attended upon by Mr. Barlow, a surgeon of the neighbourhood, whose opinion at this moment is, that there is a serious concussion of the brain, and injury within the abdomen, but, notwithstanding her great danger, he does not despair of her life. Since about 5 o'clock, when the fall took

place, until now, I have been staying beside her ; and it is only within half an hour that she appears commencing the recovery of her senses. I wish you would inform Mr. Graham from me how distressed I am at what has happened ; and should he not have heard of the accident, I must beg of you to prepare him by degrees for this sorrowful event.

"The balloon with my great-coat, hat, telescope, &c., is gone I know not where ; I saw it rise to a great height after Mrs. Graham had fallen from the car.

"Receive, my dear Captain, the assurance of my regard, &c,

"Duke of BRUNSWICK.

*Captain Currie, Cambridge-terrace."*

*Mr. Graham's statement was as follows.*

"The balloon descended on the farm of Mr. Amor, at Doddinghurst, near Brentwood, in Essex, at which time it was blowing a sharp breeze. The duke of Brunswick immediately got out of the car with perfect safety. The loss of his weight caused the balloon to ascend suddenly, and the grappling iron tore away from the hedge, which Mrs. Graham hoped had been secure and catching on the bank, had caused a jerk which threw her out upon the ground from a height of several feet ; this was attributable to her great anxiety respecting the duke, whom she was looking at, fearing that the grappling iron would strike him, and standing in the car without taking hold of the lines. I am happy to say, that no bones are broken, and that she is in a fair way of recovery."

Neither of these accounts was quite correct, if the statements of persons, who were eye-witnesses

of the descent, are to be believed. The duke was seen to hang from the car and drop down, but the height from which he fell was only nine or ten feet instead of eighteen. The balloon was then carried along to the hedge of the adjoining field, when it received a sudden jerk, by which it is supposed Mrs. Graham was thrown upon the side of the car. The grapple broke through the hedge, and the balloon immediately ascended. Mrs. Graham was observed clinging to the car, and when she had reached the height of at least 100 feet, she fell. At that altitude she appeared very diminutive in size, and in her descent she was seen

turn over two or three times, and then fall like an inanimate mass. She fell in a clover field, and though the ground was very hard, there was an evident impression of her form upon it. Mr. Moir was the first person who went to her assistance. She exhibited no signs of life, till a groan escaped her. She was instantly conveyed to Mr. Moir's house, distant only a few rods, and medical aid sent for. On Mr. Barlow, of Blackmore, arriving, he discovered that, though no bones were fractured, Mrs. Graham had received a serious concussion of the brain, and that the lower part of her spine was much injured; her frame altogether, as may be imagined, was dreadfully shattered. Mr. Barlow does not believe that she fell upon her head, as stated by the duke of Brunswick, or instant death would have ensued. Mr. Barlow had her hair cut close, and she was bled in both arms, and afterwards cupped at the temple. Every other measure that medical skill and humanity

could devise for her relief was adopted, but it was not until nearly nine o'clock that she became in the least sensible. What rendered the accident the more deplorable was, that she was *enceinte*, and premature accouchement took place. She ultimately recovered.

After the accident the balloon rose to a great height, taking an easterly direction. It is then supposed to have burst, and finally descended about six o'clock in a turnip field, at Great Totham, upwards of twenty miles from Doddington. Many persons from the neighbourhood ran to the spot, and the balloon would have been quickly torn to pieces but for the interference of Mr. Cottee, farmer, and landlord of the Shoulder of Mutton public-house. The only injury it had sustained was from its bursting, which occasioned a large fissure at the top. The car contained two telescopes, a military coat, a life-preserver, a lady's shawl, a book, and a travelling cap.

— CORRESPONDENCE OF DR. CHALMERS, ON THE SUBJECT OF THE IRISH CHURCH APPROPRIATION BILL.

To the Editor of the Edinburgh Advertiser.

Burntisland, August 23, 1836.

SIR,—I observe, that the recent publication of a letter written by me to Mr. Campbell, of Monzie, in Perthshire, has put certain of your city newspapers into a state of violent agitation, which better, perhaps, might be left to a natural process of exhaustion, by the working of its own effervescence. It might possibly be wiser not to depart from this very usual course, under the many attacks by which, notwithstanding my

love of peace, I have been repeatedly signalized; but I can perceive that, at present, some of my best friends are pained and distressed by the fierceness of an outcry, to which I myself, under the long and frequent discipline of a similar appliance for more than twenty years, have now become insensible; and more for their sakes than my own, I beg your insertion of the following statement, with its accompanying remarks, which I trust will have the effect of quieting their fears, if not of calming the wild uproar which has occasioned them.

In the month of December last I was honoured by a letter from Mr. Campbell of Islay, complaining of the injustice to which he had been exposed from his opponents in Argyleshire, who, because he was the enemy of persecution, represented him as an enemy to the Church of Scotland; and he requested me to state in writing what I thought or knew of his feelings in regard to our ecclesiastical establishment. I sent him the following reply:—

*“Edinburgh, Dec. 31, 1835.*

“Dear Sir,—I have a very pleasant remembrance of your friendly and seasonable interposition on the occasion of our interview with Lord John Russell; and such was my own confidence, and that of my colleagues, in your attachment to the Church of Scotland, that we took the liberty of suggesting you as one of the commissioners of inquiry into our claims.

“I am not aware of any circumstance in your history which can justify the imputation of your hostility to our ecclesiastical establishment; certainly there is nothing in the bare circumstance

of hostility to religious persecution, which can serve to substantiate such a charge. But give me leave, in return for the confidence by which you have honoured me, to state, with all frankness, that I have oftener than once met with an inclination to confound two things which I hold to be essentially and specifically distinct from each other. The strict and proper opposite of persecution is toleration; and by stopping there we make full acquittal of ourselves as the enemies of religious persecution. But to tolerate is one thing, and to endow is another. When we tolerate Popery, for example, we prove ourselves to be not the enemies of the rights of Papists; but when we endow Popery, we prove ourselves to be the positive friends of the tenets of Popery, or at least act as if we were so, and thus lie open to a far more serious condemnation. I write this in perfect ignorance of your views on the Irish Church Appropriation Bill; but I think it were treating you unfairly, while I am writing on the subject at all, not to state that I hold this to be a vital question, and that (though unwarily, I have no doubt, by many) the principle of a Protestant establishment was compromised by those who supported the alienation of any part of its revenues from the established Church of Ireland, which I hold to be far the likeliest organ, if but well patronized, for the moral and economical regeneration of that unhappy land.

“God grant that the wise and the good of every shade and diversity of politics hitherto, may now break up their parties, and re-unite on principles, that by the junction of the truly patriotic,

who have heretofore stood aloof from each other, the two headed monster of Infidelity and Popery may be completely and conclusively overborne.

"I have, &c.

"THOMAS CHALMERS."

What use Mr. Campbell of Islay made of this letter I do not exactly know, nor have I been in the least careful to inquire. Only I have been told, that the fact of my having written him a letter has been made known; that, by a strange misunderstanding, it was working the very reverse of the effect which it ought to have done; that my views were misrepresented and misconceived; and that my name, humble as it is, was employed for the express purpose of allaying the distrust and the discomfort which the vote of Mr. Campbell of Islay in Parliament had awakened in the breasts of some of his constituents. When I accidentally met Mr. Campbell of Monzie, in the middle of last July, he made it a topic of conversation with me, and even in circumstances of purest indifference, I would have stated my views to him, or to any other gentleman who required the explanation of them. And the strange misconceptions that had gone abroad of my letter to Mr. Campbell of Islay certainly made the call for explanation all the more imperious. Mr. Campbell of Monzie wished me to write to him on the subject; and I had no wish, but the contrary, to keep back from him as distinct and explicit a contradiction as I could give, to any mis-statements that might have been made of my views respecting the appropriation clause, and more particularly its bearing on the interests of our

own religious establishment. In the act of writing that letter I was but vindicating myself, and without the most distant imagination of giving law to a country; I was but repelling an injustice which I had personally sustained, and most certainly without the slightest movement of an ambition which I never felt, and which would have been perfectly new to me—that, to use the language of my calumniators, of wielding the destinies of Argyleshire.

I did not anticipate the publication of either of these letters; but neither, at the same time, did I forbid their publication. Both gentlemen were most welcome to their respective communications; and both were alike free to any fair and honourable use which they might have been pleased to make of them. If an illegitimate use have been made of either, I have the satisfaction of thinking that all at least was most legitimate on my part. It surely was quite legitimate to return a frank and civil answer to the communication by which Mr. Campbell of Islay honoured me in the month of December last. And after my views, as stated in that letter, had been either misinterpreted or grossly misunderstood, it was equally legitimate in me to make the fullest explanation of them, either to Mr. Campbell of Monzie, or to any one else, in the month of July last. My letter to Monzie was the legitimate offspring of the letter which I had previously written to Islay; or, in other words, the letter sent to the one Campbell was the legitimate parent of the letter afterwards sent to the other. I have been accused of obtruding myself unasked on the politics of Argyleshire. Had it not been for

the asking of Mr. Campbell of Islay, my name would never have been associated with these politics ; and, after all, the one gentleman was as much entitled to a frank communication from me as was the other. But the first, my letter to Islay, or rather the known fact of my having written to him, seems to have lighted up no indignation among the gentlemen of the press. It is the second, my letter to Monzie, at which, in their own style of consistency, they kindle into madness, and put forth all their invectives of fire and fury against the political clergyman. Meanwhile, it is enough for this clergyman, that, without violating the proprieties of the minister, the storm of all this foul obloquy has come upon him, merely because he has acquitted himself of the courtesies of the man ; that, in the act of observing the duties and the decencies of social life, he has dealt equally between the two gentlemen who have been pleased to consult him ; and that, at the impulse of no other feeling than that of honest and heartfelt attachment to the Protestantism of these realms, he has given forth the same declaration, and spoken the same language to them both.

It is interesting to observe the sort of family likeness which obtains amongst the numerous disciples of the mock-patriotism of our day, who all profess to worship at the shrine of liberty, yet with whom it is a mortal offence that one should dare to have an opinion of his own, if it thwart any object of theirs, and an offence still more unpardonable, that he should dare to give it utterance. The *London Courier* has been pleased to denominate the part I have

taken as an extraordinary interference with the politics of Argyleshire : and it is not many weeks ago since a vacant professorship, that had been previously much canvassed for, was disposed of by the magistrates and council of Edinburgh. In common with others I happened to be consulted on the occasion, and wrote one or two letters to my own special acquaintances. I was called on to write several more, either in compliance with the wishes, or in return to the communications which I received from various members of that honorable body. On the day of election, when my opinion happened to be quoted at the City Board, the effusion of a councillor Robertson, as reported in the public prints, was, that "we have had enough of Dr. Chalmers' interference." I should have been spared this piece of coarse impertinence, had I chosen to be so ungentlemanly or uncivil to Bailie M'Farlane and others, as to take no notice of their communications. Nevertheless I shall continue to act as heretofore ; and neither the insolence of an unmannerly town-councillor, nor the ferocity and falsehood of all the Liberal newspapers, shall deter me from the privilege and the duty of a free-born citizen, which, in its very humblest form, is to speak when he is spoken to, and write when he is written to.

And has it come to this, that in deference to a party most tremblingly alive at every pore to its own interests, all other interests must stand in abeyance ? and must we all look passively on, whilst they are speeding forward the advancement of a cause, the triumph of which we honestly believe would issue in the ruin, both of

the church and of the country? I have been already accused of having written an electioneering letter for the county of Argyle; and though at the hazard of the one I now write being termed an electioneering letter for the whole of Scotland, I will not disguise my wish that, throughout all its towns and its provinces, there might be a general awakening to the danger which now hangs over us; nor my hopes, that the fever of our present delusions will at length pass away, and the people of our beloved land will yet prove true to the religion of their forefathers.

I fondly trust, that this declaration, once, for all, will save me from the trouble of any further correspondence on the subject, with gentlemen on either side of politics. In particular, I hope that the Campbells of Argyleshire will henceforth know how to manage for themselves, and allow me to prosecute the labours of my own vocation in peace.

I have no fear, indeed, of any further disturbance from the gentlemen who are engaged in this warfare. As for the bullies or low hirelings of a party who have chosen to assail me, there is no other alternative, I should imagine, than just to acquiesce in it as I would in any other necessity of these strange times; and leave them to rage, and revile, and falsify, as heretofore.

I have the honour to be, Sir,

Your very obedient servant,

THOMAS CHALMERS.

P. S. I beg that you will send copies of your paper to the editors of the *Edinburgh Scotsman*, of the *Caledonian Mercury*, and of the *London Courier*. The only reparation which I demand for the rash

and reckless attacks of which, if not the authors, they are at least the publishers, is, that they will give this letter a place in their columns; and that henceforward they will either make sure of the ground on which they denounce me, or have the goodness to let me alone.

30. DESTRUCTIVE FIRE IN SOUTHWARK. — This morning, between two and three o'clock, a fire broke out in the premises in the occupation of Mr. Wilson, an extensive tea merchant on the Southwark side of London-bridge. The flames burst forth from the lower part of the house, and the alarm was immediately given to the inmates, who lost no time in endeavouring to secure their retreat. A nephew of Mr. Wilson's (a lad of twelve years of age), two of his shopmen, his house-keeper, and a maid servant, were enabled, by means of a step-ladder, to ascend to the roof of the house, and obtain admittance into the adjoining premises in the occupation of Mr. Wallis, a publican. Mr. Wilson himself was not so fortunate. His bed-chamber was on the second floor; and being, it is supposed, in a state of the utmost alarm, on finding the rapid progress which the fire was making, he at once precipitated himself from the window, fell on the pavement, and was immediately removed in a state of insensibility to St. Thomas's Hospital. In the mean time the flames communicated to the adjoining premises of Messrs. Edward Wigan and Co., extensive hop-factors; and from thence to the warehouses of Mr. Goodchild, jun., and Co., glass-cutters in Tooley-street. The spacious building called Fenning's-wharf, at the foot of London-bridge, was

next assailed by the destructive element; and in a short space of time the whole line of new and splendid buildings in communication with those already mentioned, and extending along Duke-street, which runs parallel with Tooley-street, presented one mass of flame, which appeared to baffle the united efforts of the numerous fire-engines which had by this time arrived at the spot. The greatest exertions were made by the firemen to endeavour to rescue Fenning's-wharf from destruction, as it was known to be a dépôt for goods of various kinds, and of considerable value. But their utmost exertions were unavailing. In a few moments it was one mass of fire, and before six o'clock it was completely gutted; the whole of the valuable property it contained, consisting of provisions, cloth, and immense piles of valuable merchandise of various descriptions, being completely destroyed. So intense was the heat in the building during the progress of the flames, that the cast bars of iron, by which the floors were supported, melted away like wax. The building was five stories high, and extended 150 feet in length, the breadth, being eighty feet. It was, in fact, one of the finest storehouses for goods in the vicinity of the river; and nothing was left of it save a portion of the bare walls. A fireman, named Fenn, was seriously injured by an explosion of salt-petre, which took place in Fenning's-wharf, and blew up a portion of the wall. Fears were entertained, that the flames would extend to the premises and wharfs adjoining the river, which are chiefly faced with pitched timber; and the premises close adjoining of Messrs. Smith,

in Tooley-street, only a short distance west of Fenning's-wharf, were filled with oil, tallow, and other combustible materials. Fortunately the fire was prevented from extending in that direction by a double wall. The house of Messrs. Smith, however, and that of Messrs. Edgington, the sail-makers, were considerably scorched by the flames from the opposite side of the street, and the windows were shattered by the heat. The panic on board the shipping moored close to the bridge can hardly be described, and the noise and confusion of getting the vessels under weigh to escape from the threatened danger baffles all description. Fortunately it was high tide, and no time was lost in unmooring the vessels, and in many instances cutting their cables, to enable them to drift down the river and remove from the scene of destruction to a place of safety. In endeavouring to effect this object several vessels unavoidably ran foul of each other, and considerable damage was done. So closely wedged were the vessels which had thus escaped, that the navigation of the river in the morning was for a time impracticable; and some of the Woolwich and Greenwich steamers were forced to haul in shore, and wait, until a passage could be made to enable them to pursue their voyage.

The following are the names of the sufferers by this calamity, and the particulars of the damage sustained:—Messrs. Wilson and Co., tea-dealers, premises wholly destroyed. Not known whether insured, or to what extent. The premises of Mr. Fenning also wholly destroyed, but are reported to be insured for 15,000*l*. Estimated property in the building

at the time between 60,000*l.* and 70,000*l.* Messrs. Grant and Co., cheese-factors. — Back warehouse burnt down; amount of loss not known. Mr. Burford, paper-hanger. — Back of the building damaged. Furniture destroyed. Mr. Pocock, shoemaker. — Building damaged behind. Mr. Whiting, solicitor. — Similar damage. Mr. J. C. Rush, cheese-factor. — Warehouse burnt down. Mr. George Key, Tooley-street, lead-merchant. — Warehouse burnt down. Mr. Williams, wool-stapler. — Warehouse burnt down. Mr. Goodchild, jun., glass-cutter. — Building much scorched. Mr. Clift, cheese-factor. — Premises slightly damaged. Mr. Franklin. — Private residence slightly damaged also. Mr. Wallis, London-bridge Tavern and Coffee-house. Slightly damaged from water. Mr. S. G. Barnett. — Slight damage. Messrs. Evans and Co., hop-merchants, Mr. Goodchild, senior, and Messrs. Scovill and Co., wharfingers, have all the fronts of their respective premises considerably scorched.

It was stated by the fireman, that the conflagration was caused by some defect in the gas-pipes. The fire broke out at about twenty-five minutes past two in the morning, and was not got under, so as to warrant the safety of the neighbouring buildings, until eight o'clock.

26. ACCIDENT IN THE SOUND OF MULL. — During the Mull horse-market, several boats were engaged in ferrying cattle and passengers betwixt the Market Stance and Lochallen, on the opposite coast of Morven. In the forenoon, Mr. Gregorson, of Ard-tornish, set out in his wherry to transact some business at the

market, and when near the coast of Mull, fell in with two of the ferry-boats. In order to avoid one of them, he was obliged to tack, at which time another, belonging to Hugh M'Phee, was at some distance ahead, and to windward. Mr. Gregorson's wherry soon came up with M'Phee, both being on the wind, and on the same tack. On nearing M'Phee, and going considerably faster through the water, it was Mr. Gregorson's object to pass him to leeward; and in order to effect this, the wherry was kept off from the wind. At this time, M'Phee, instead of luffing, kept off the wind, with the view, of getting out of the wherry's course by cutting across her bows. The consequence was, that both came into collision, in so far that their rigging got foul. In the confusion which ensued, one of Mr. Gregorson's boatmen was knocked down and stunned by a spar falling on his head. At the time they were separating, M'Phee's boat, it blowing very hard, shipped much water, and when they separated, speedily sank with all on board. Seven of the passengers, while the boats were entangled, got on board the wherry, and were saved; but M'Phee, and six others, went down with the boat.

22. BRITISH ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE. — This being the day appointed for the meeting of the Association at Bristol, upwards of 1,100 members registered their names. The different places had been selected as nearly as possible in one locality, so as to permit the members to go from one to the other, according to the subjects or communications in which they

might take an interest. At section A, for mathematical and physical science, held at the Merchants' Hall, professor Whewell, the president, in the chair, papers were read on the following subjects, on each of which conversations were held:—Sir David Brewster, a report on the rock-salt lens; Mr. Lubbock, a report on the progressive discussions of tidal observations, and on his views of the lunar theory; professor Phillips, on the temperature of the earth; professor Whewell, on the state of knowledge relating to the levels of the land and sea; professor Wheatstone, on electric light; and professor Sir William Hamilton, a report on Mr. G. Gerrard's mathematical researches. Section B, for chemistry and mineralogy, was held at the Grammar School; the rev. professor Cumming presiding. Among the papers read in this section were the following:—Remarks on the salt called phosphate of soda, by H. H. Watson; an essay on the effects of electricity upon potatoes, and of the diseases of potatoes, by Mr. F. Libson; and on the means of detecting minute portions of substances in atmospheric air, by Mr. West; a report on mineral waters, by Dr. Daubeny; on arsenical poisons, by Mr. William Herapath; on the power of certain gases to prevent the action on platina of oxygen and hydrogen, by Dr. Henry; on an improved blow-pipe, and an accurate measure for gases, by Mr. Ettrick.

At section C, for geography and geology, held at the theatre of the Philosophical and Literary Institution, the rev. Dr. Buckland, president, presided; when a paper was read from E. Charlesworth,

esq., being a notice of vertebrated animals found in the Craig, and another by Mr. J. E. Bowman, containing notices of some recent examinations of bone caverns at Cefn, near Denbigh. Sections D and E, the former of zoology and botany, and the latter for medical science, were held at Colston's school; at the former professor Henslow, and at the latter Dr. Roget presided. An interesting paper was read at the former, on the zoology of North America, by Dr. Richardson, and by Mr. Rootsby, on the *Aranea arcularia*; and at the latter, contributions severally from the Dublin committee, sir David Dickson, and Drs. O'Beirne and Horston. At section F, for statistics, held at the Chapter Room at the cathedral, at which sir Charles Lemon was president, was read a report by Dr. Cleland, exhibiting the past and present state of Glasgow. Section G, for mechanical science, founded on the last occasion of meeting, and held at the Merchants' Hall, under the superintendence of Davies Gilbert, esq., was occupied in reading a report from professor Moseley, on certain points connected with the theory of locomotive carriages; as well as with a paper by Mr. Russell, of Edinburgh, on the application of our knowledge of the phenomena of waves, to the improvement of the navigation of shallow rivers and canals. A review of these several papers, with the discussions which took place upon them, were given by the various secretaries at the soirée, held in the evening at the theatre.

The proceedings of the different sections on the subsequent days were as follows:—In Section A. for MATHEMATICAL AND PHYSICAL

**CAL SCIENCE.** *Tuesday, Aug. 23.* On the phenomena of waves, by Mr. Russell; on refractive indices, by Mr. Powell; on a singular developement of polarising structure in the crystalline lens, after death, by sir David Brewster; on the application of electro-magnetism to mechanical purposes, by the Rev. J. W. M'Gauley. *Wednesday, Aug. 24.* On some phenomena of electrical repulsion, by Mr. W. Snow Harris; supplementary report on the mathematical theory of fluids, by professor Challis; illustration of the meaning of the doubtful algebraic sign in certain formulæ of algebraic geometry, by professor Stevelly; on the laws of double refraction in crystals of quartz, by professor M'Cullagh; on the Interference of sound, by Mr. R. Addams. *Thursday, Aug. 25.* On the integral calculus, by H. Fox Talbot, esq.; on the use of the wet-bulb thermometer in determining the specific heat of air, by Dr. Apjohn; on the calculus of principal relations, by professor Sir W. R. Hamilton; on two delicate magnetic instruments, by the Rev. Mr. Scoresby; on terrestrial magnetic intensity at great elevations from the earth, by professor Forbes; respecting the impermeability of water to radiant heat, by professor Powell; on the action of crystallized substances upon light, by sir David Brewster; on an improved ear trumpet, by Dr. Williams. *Thursday evening.* The connexion observed at Bristol between the weather and the Tide, by Mr. G. W. Hall; a description of an instrument intended to observe minute changes of terrestrial magnetism, by Mr. Ettricke; on the vibration of bells, by Mr. R. Addams; on the mu-

sic of the Greeks, and a system of mnemonic logarithms, by Mr. Rootsey. *Friday, Aug. 26.* Account of new anemometer, by the Rev. Mr. Whewell; mathematical rules for constructing compensating pendulums, by professor Stevelly; on the direction of the isoclinal magnetic lines in Yorkshire, by professor Philips; on a very simple contrivance for tracing lines in the solar spectrum, which are invisible by other means, by sir D. Brewster; electrical attractions and repulsions, and upon the electric spark, by Dr. Hare, of Philadelphia; Mr. Lucas's method of teaching the blind to read, by Dr Carpenter; on some of the elements of the resistances of fluids, by Mr. Russell; an account of experiments conducted at the desire of the Association, on the comparative strength of iron made with the hot and with the cold blast, by Mr. Hodgkinson.

In Section B. for **CHEMISTRY AND MINERALOGY.** *Tuesday, Aug. 23.* Important facts obtained mathematically from theory, embracing most of those experimental results in chemistry which are considered as ultimate facts, by Mr. Thomas Exley, M.A.; on the power of certain gases, to prevent the union of oxygen and hydrogen, by Dr. Charles Henry; On arsenical poisons, by Mr. W. Herepath. *Aug. 24.* A Report on Mineral Waters, by Dr. Daubeny; On a process of smelting Iron, by Mr. Muschet; On a new isomeric body, by professor Johnston; on the materials of the atmosphere, by Mr. West; on the Berzelian nomenclature, by Dr. Hare. *Aug. 25.* On chemical notation by Dr. Dalton; professor Johnston, on his chemical ta-

bles, prepared at the desire of the Association ; on the production of lithic acid by the silkworm and other varieties of insects, by Mr. Herapath ; on the phenomena which present themselves upon diluting oil of vitriol with different proportions of water, by Dr. Thomson, of Glasgow ; Mr. Jones, on his analysis of wheat. *Aug. 26.* On two new compounds found in pyroligneous acid, by Mr. Scanlan, of Dublin ; on atmospheric electricity, improvements in the galvanic machine, and the applications of electricity to the production of crystals, by Mr. Crosse ; on a compound of carbon and potassium, by professor Davy, of Dublin ; on iodine as a conductor in electricity, by Dr. Inglis ; on insulating fluorine, by Mr. Knox ; on a new method of estimating the strength of spirit, by Mr. Black.

In Section C. for GEOLOGY AND GEOGRAPHY. *Aug. 23.* On the classification of the old slate rocks of Devonshire, with an explanation of the true position of the Culm deposits of the central portion of the county, by professor Sedgwick and R. I. Murchison, esq. ; observations on the connexion of the geological phenomena of Cornwall and Devon, with the mines in those counties, by H. T. de la Beche, esq. *Tuesday evening.* On the removal of large blocks or boulders from the rocks of Cumberland, and transferring them to various distances, by professor Phillips, of King's College. *Aug. 24.* On some newly-discovered Saurian remains, from the magnesian conglomerate of Durdham Down, by Mr. Stuchbury ; theoretical views of the phenomena of elevation, by Mr. Hopkins. *Aug. 25.* On the geographical position of Memphis in Egypt, by

the Marquis Spineto. Mr. Fox exhibited his experiment of the change of the yellow into the grey sulphuret of copper ; and Mr. Crosse then related his extraordinary experiments and discovery of forming crystals of various minerals by electricity. Professor Phillips gave a description of a bed of magnesian limestone, existing near Manchester. *Thursday evening.* Mr. Murchison exhibited a map of England, coloured to represent some phenomena of physical geography, with remarks on boulder stones. A discussion then took place respecting the relation of the structure of rocks to their strike and dip. *Aug. 26.* Lord Nugent made a communication respecting the sea rivulets in the bay of Argostoli, in Cephalonia ; Dr. Daubeney communicated his views of the theory which accounts for volcanic phenomena, by the sea water being admitted to act upon certain inflammable bases in the interior of the globe. Professor Forbes communicated a paper on the connexion between the hot springs of the Pyrenees, and the geology of that district : and after some further discussion on various subjects of minor interest, the Section closed, highly satisfied with the mass of interesting intelligence brought forward.

In Section D. for ZOOLOGY AND BOTANY, were read, among other papers of minor interest : *Aug. 23.* A second portion of Dr. Richardson's paper on North American zoology ; on the longevity of yew trees, by Mr. Bowman ; account of a new species of seal, by Mr. Ball ; on certain notions of antiquity derived from the ancients, by Mr. Hope ; on lime as manure, by Mr. G. W. Hall.

*Aug. 24.* On the cultivated and wild fruits of the Deccan, by Col. Sykes; on the geographical distribution of the plants in Ireland and the west of Scotland, by Mr. J. T. Mackay; on Caoutchouc, by professor Royle; on the minute animalculi upon which the luminosity of the sea at certain seasons depends, by Mr. P. Duncan; and a few other short memoirs. *Aug. 25.* Dr. Richardson's report was concluded; after which Mr. Carpenter gave the Section an exposition of Dr. Pritchard's views on the criteria by which species are to be distinguished in zoology and botany. Papers were then read on the formation of peat, by Mr. Phelps; on the management of the Pine tribe, by Mr. Nuttall; and several of minor importance.

In Section E. for ANATOMY AND MEDICINE, was read on *Monday, Aug. 22.* A report of the Dublin committee on the pathology of the nervous system, by Dr. O'Beirne; an abstract of an unpublished work on Tetanus, also by Dr. O'Beirne; and a third paper on certain cases of aneurism by Sir David Dixon. *Aug. 23.* On the treatment of some diseases of the brain, by Dr. J. C. Prichard; on tubercles, by R. Carmichael, esq. *Aug. 24.* Dr. Macartney read the report of the Dublin committee, on the motion and sounds of the heart; and Dr. Clendinning, another on the same subject, from the London committee. In consequence of the death of professor Turner, the Edinburgh committee had not been able to prepare a report. A paper was read on the gyration of the heart, by A. F. A. Greeves; which was followed by a paper on a singular developement of polariz-

ing power in the crystalline lens, after death; and another on cataract, both by Dr. Brewster; and observations on absorption, by Dr. Carson. *Aug. 25.* Dr. Hodgkin, on the connexion between veins and absorbents; a short exposition of the functions of the nervous system, by Dr. Reid, of Dublin. *Aug. 26.* On the appearances of the joints in chronic rheumatism, and other diseases, by Mr. Adams, surgeon of the Richmond hospital, Dublin; on the chemistry of the digestive organs, by Dr. R. D. Thomson, and some others.

In Section F. for statistics. *Tuesday Aug. 23.* On savings' banks, by Mr. Kingsley; on the influence of the prices of corn on population, by baron Dupin; on the utility of co-operating committees of trade and agriculture, by col. Sykes. *Aug. 24.* On statistical desiderata, by W. R. Grey, esq.; the statistics of railway communications, by Dr. Lardner; on the comparative value of the mineral productions of Great Britain and the rest of Europe, by Mr. John Taylor, treasurer to the Association; on spade husbandry in Norfolk, by Dr. Yelloly. *Aug. 25.* Professor Forbes described the result of his application of Quetelet's principle, of describing the increase of stature, weight, and strength, by curves. A paper on periodicity of birth, by Dr. Collins, was read; baron Dupin exhibited two maps of Britain, coloured on Guerry's plan, to illustrate criminal statistics, and their relation to density of population and education; after which followed the most important communication made to the Section, the report of the Manchester Statistical Society on the state of education in the

borough of Liverpool. Mr. Fripp read a similar report on the state of Education in Bristol; and after some discussion on the subject, the Section terminated its labours.

In Section G. on mechanical science, on *Tuesday, Aug. 23*, Mr. Hawkins read a paper on an improvement on Napier's rods, for facilitating the multiplication of high numbers, with little liability of error, the invention of J. N. Copham, esq., of Bristol; on the paddle-wheels of steam-boats, by John Robinson, esq.; on certain points in the theory of naval architecture, by Mr. Henwood, of Portsmouth dockyard; Dr. Daubeney explained the properties of an instrument he had contrived for obtaining sea-water at great depths; and Mr. Braham explained an improvement he had made in the mariner's compass. *Tuesday Evening*. Professor Whewell gave a brief discourse on tides; and Dr. Lardner delivered a lecture on steam communication with India. *Aug. 24*. On certain circumstances connected with the progress of naval architecture, by Mr. Chatfield, of Portsmouth dockyard; followed by a discussion on steam vessels. *Aug. 25*. A paper on the duty of steam-engines, by Mr. Enys, was succeeded by a lecture from Dr. Lardner on steam communication with America, a subject of particular interest at Bristol, where a company of merchants were then building a steam ship of 1,200 tons burden, to navigate directly between that port and New York. These were the most important memoirs brought forward at this meeting. During the meeting the following places were open to the members

of the Association:—**INSTITUTIONS**: Philosophical and Literary; Infirmary, attached to which is Mr. Richard Smith's Museum; General Hospital; Blind Asylum; Bristol Library; Library; Baptist College; Medical Library; Commercial Rooms.—**CHURCHES**: Cathedral; Mayor's Chapel; St. Mary Ratcliffe; Crypt of St. Nicholas.—**PAINTINGS and PICTURES**: P. J. Miles, esq.; D. W. Acraman, esq.; Bristol Artists.—**GARDENS, &c.**: Mr. Miller's; Mr. West's Observatory.—**MANUFACTORIES**: Coal Gas Works; Oil Gas Works; Messrs. Acraman's Chain Cable and Anchor Manufactory and Iron Foundry; Messrs. Acraman's Bristol Scrap Iron Forge and Steam Engine Manufactory; Messrs. Winwood's Iron Foundry and steam Engine Manufactory; Messrs. Hare's Floor Cloth Manufactory; Messrs. Savage's Sugar Refinery; Messrs. Holden and Vining's ditto; Messrs. Ricketts and Co.'s Glass Works, Tuesday, Wednesday, and Thursday; their Glass Bottle Works, every morning before 12 o'clock; Messrs. Gwyer's Rope, Twine, and Flax; Messrs. Edward's ditto; Messrs. George and Co.'s Patent Shot; Messrs. Cook, Thatcher, and Co.'s Patent Rope; Messrs. Alfred, George, and Co.'s Porter Brewery; Messrs. Lucas's Confectionery; Messrs. Wasbrough and Hale's Clock and Brass Manufactory; Messrs. Edgar's Copper Manufactory; Messrs. Pountney and Goldney's Pottery; Messrs. Bevan's Machine Paper Factory; the Printing Establishment of the Bristol Mirror.—**SHIP BUILDING YARDS**: Messrs. Hilhouse and Co.'s; Messrs. Patterson and Mercer.—**TEA WAREHOUSE**: Messrs. Acra-

man's.—EXHIBITIONS, &c.: Mr. Johnson's Collection of Organic Remains; the Rev. Mr. Elliscombe's collection of Hardy Plants; Mr. Brackenridge's Paintings at Brislington.—KITE CARRIAGES; Mr. Pocock exhibited his Kite Carriage daily upon Durham Down.—The ZOOLOGICAL GARDENS open to non-resident members.

A daily ordinary was provided at the Horticultural Rooms. On the first day the Rev. Dr. Lloyd, (the president of last year) was in the chair; on the second, the Rev. Mr. Coneybeare; on the third, Professor Griffith; and on the fourth, Professor Buckland. The general meetings took place every evening at the Theatre (where ladies were admitted), to receive the reports of the Sections. At the first of these the Treasurer gave his annual report; when it appeared that, previous to the present meeting, the Association possessed property amounting altogether to 4,564*l*. On Wednesday evening Sir W. Hamilton read an interesting letter from Sir John Herschell, detailing the progress of his astronomical observations at the Cape; and the discussion was renewed on Dr. Daubeny's paper on thermal springs (read in Section B).

On Thursday evening Mr. Miller's gardens were very fully thronged.

On Friday a large party went to view the tunnels and cuttings of the Great Western Railway between Bristol and Keynsham; while another party, embarked on board the Killarney steamer, and made an excursion to Portishead. During the voyage down the river, Mr. Coneybeare explained the stratification of the banks. On

their arrival at Hungroad they were invited to a breakfast by Mr. Bright, and to inspect the tide guage in his grounds. Some proceeded thence to Leigh Court, it having been announced that Mr. Miles's gallery of pictures would be thrown open to members of the Association; while others continued their voyage round the Holms.

On the same evening, at the Theatre, Dr. Buckland gave a highly interesting lecture on the marks of footsteps of animals preserved in different strata.

At an early hour on Saturday morning the Marquess of Northampton laid the first stone of the new Suspension Bridge about to be erected at Clifton, by Mr. Brunel.

The principal dimensions of the bridge are:—

	FEET.
Distance between the two points of suspension . .	700
Length of the suspended roadway . . . . .	630
Height of roadway above high-water mark . .	231
Total width of door . .	34

## SEPTEMBER.

### THE LIVERPOOL GANG OF COINERS.

—Edward S. Arnett, Elizabeth Arnett, his wife, and Isabella Arnett, his sister, were apprehended on a charge of coining. On their being brought up for examination before the magistrates at Liverpool, the following evidence was given: John Boothby, a clerk at the Court of Requests deposed, that, according to instructions he had received from Parkinson, the officer, he went on Wednesday last, at a little after 11 o'clock, to 62, Virgil-

street. He had a bundle of papers in his hand. He rang the bell, and Elizabeth Arnett, one of the female prisoners, looked out of the window, when he asked her if a person named Johnson lived there. She opened the door, and witness and Ainsworth the officer rushed into the passage together. Elizabeth Arnett seized witness by the collar, as if to impede his progress into the house, and when he struggled with her, she called out "Cut, bolt, bolt." He then gave her in custody to Ainsworth. Mr. Parkinson had entered the house a little before witness. Witness then went into the parlour, and as he entered, Elizabeth Arnett said "What do you want here? I hope you will never prosper." When he went into the parlour, he opened the sash, so as to admit the other officers. Witness then went with Ainsworth and the prisoner into the back parlour, and was soon joined by Flockhart, one of the officers, with Edward Simon Arnett, and Isabella Arnett, the other prisoners. The prisoners sat on a sofa, and Elizabeth Arnett whispered to the male prisoner, when Isabella Arnett said "What's the use? We know the worst of it—we shall all go together." Ainsworth then went out of the room, and returned with Mr. Powell, when the male prisoners were, by Mr. Powell's direction, taken up stairs. When Mr. Powell was gone, Elizabeth said to witness, "If you come up stairs I'll show you all there is." Witness then accompanied prisoner and Ainsworth, the officer, to a back bed-room on the first floor, where the prisoner removed a box which was standing near the fire-place, and took from behind it two sovereigns and four

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shillings, which were all counterfeit, and put them into witness's hand, saying "There, there." Prisoner then unlocked the box with a key which she had, and took from it a silver and a metal watch, both of which she also gave to witness. Witness turned round and saw a paper parcel lying on the mantel-piece; he opened it and found it to contain one sovereign and four half sovereigns. Witness now produced the coin; it was all ready for circulation. Ainsworth then entered the bed-room, and directed witness to take the prisoner down stairs, which he did. Elizabeth Arnett cried when she went down, and Isabella said—"Never mind, the capital is taken off; it might have been worse, we shall all go together."—James Ainsworth, after stating the apprehension of the prisoners, deposed as follows: In the middle of the back attic stood a large deal table upon which was a quantity of founder's earth very black, 12 good shillings, two counterfeit half-crowns from the mould in the rough, and one counterfeit shilling, not finished. The good shillings were bright, and had apparently been used for forming the mould. There were two patterns for the channel of a mould; a box-iron, round and very bright, which had been used for pressing the earth; a caddy-spoon, the mouth of a teaspoon, made of silver, a small pair of furnace tongs, two or three square files, and a board for pressing the earth. In the left-hand drawer were discovered 44 half-sovereigns (counterfeit and unfinished), eight half-sovereigns (finished ready for gilding), a long channel with two counterfeit half-sovereigns, and a shilling, also counterfeit, four counterfeit sove-

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reigns, two filed, and two in the rough; four counterfeit half sovereigns, two filed and two in the rough; and some scraps of metal, which appeared to be a mixture for making base coin. There was also a small crucible with some metal in it. In the right hand drawer were 14 good half-crowns, all very bright, and which seemed to have been used in making moulds; 10 counterfeit half-crowns of the same date as the good, finished but not prepared for passing; two others prepared for passing, and a half-crown (good) in a leather glove. He also found six good shillings, very bright, that had been used as patterns, four counterfeit shillings finished, and three in the rough; two counterfeit sovereigns, finished; a memorandum-book containing receipts for mixing various metals, and the art of colouring metals to imitate gold and silver. The above was all that was found in the drawer near the door. In the same room the witness found two moulds and a fine hair-sieve; 18 counterfeit half-crowns, and one prepared for passing. Under the table were found 16 counterfeit shillings, rough from the mould, and on the floor opposite the door was found a pair of iron flasks,  $9\frac{1}{4}$  inches long, and 4 inches in width, and another pair of flasks of a smaller size on the other side of the room; on the same side witness found 12 lb. of grain tin; six gilt farthings, and one half-sovereign. Near the window he found 11 counterfeit crowns in the rough; one counterfeit half-crown; 16 counterfeit shillings; 4 dozen half-crowns (counterfeit), finished and wrapped in a paper to prevent their rubbing; and one dozen counterfeit crowns, wrapped in

paper the same way. On the floor near the door were two moulds for coining 12 shillings each at a time; two other moulds (broken), for casting 12 half-crowns and two shillings. On the floor under the window was a bag containing base coins of different descriptions.

Robert Barton deposed to finding twelve bad half-crowns in the trousers which the prisoner Edward Arnett had on when he was apprehended. Six of them were filed at the edges, and six of them were in the rough. Witness went down stairs and showed the prisoner Isabella what he had found. She said her brother had been at work at them since six o'clock that morning, and that he was a very active industrious man. There was a pianoforte in the room, and just before the prisoners were removed to Bridewell, Isabella said she might as well have another tune before she went: she would give us "Over the water to Charley."

The prisoners were asked if they had anything to say; they all declined entering into their defence until the day of trial. They were tried at the spring assizes of 1837. Arnett and his sister were convicted, and received sentence of transportation; the wife was acquitted on the ground that she was to be considered in law as acting under the control of her husband.

1. STEAM-BOAT ACCIDENT.—An adjourned inquest was held on the body of Thomas Callaghan, who was drowned on the evening of Sunday, the 21st ult., by a boat, in which he was with his brother and two other persons, being run down by the *Star*, Gravesend steam-boat, off Rotherhithe.

George Smith stated, that he

was rowing in a large skiff with the deceased, Thomas Riches, and Daniel Callaghan. The deceased was rowing at the bow, and his brother a-head with oars. Witness pulled a pair of skulls in midships. Riches was steering. They were pulling up the river from Erith, and when near to Globe-stairs, Riches called out as loud as he was able, "Ease her, stop her," and looking round, witness saw the Star steamer coming down on them. Riches called out to the steamer to go to the northward; and the boat pulled towards the southward. In a moment afterwards the steamer ran them down, striking them on the larboard bow. The deceased was knocked overboard, and his brother was struck on the arm by the paddle-wheel. They were all immersed in the water, but were picked up by boats from the shore, except the deceased, who could not be found. The steamer was never stopped, but kept on her course. Witness perceived no light on the bow or at the mast-head of the Star. She did not stop to afford any assistance.

Thomas Riches said, he acted as steersman to his companions; when about sixty yards below Globe-stairs, they were in mid channel, and about to make for the south shore, when he perceived the Star coming round Cuckold's-point, and hailed her to go to the northward, himself steering southward. About half a minute after he called out, the collision took place; the steamer keeping to the southward, struck the boat near the fore thwart, and she swung round under the steamer's bow and sunk. Witness and two of his friends were saved by boats from the shore, and from

the tier of shipping, but no boat came from the steamer to their assistance. The speed of the Star was not slackened from the time he first saw her. He called out, "For God's sake ease her; stop her, or you'll cut us in two!" but his cries were unheeded.

The steamer was going at the rate of ten miles an hour. There was no one on her paddle-box, and he saw no light at the mast-head or at the bow.

Other witnesses confirmed these statements.

On the other side, William Tisdell, the master of the Star, stated, that about nine o'clock on the night in question, he was going down the river, and saw a boat well over on the larboard bow. One of the men at the bow of his vessel called out to those in the boat to keep to the northward, and witness ordered the engines to be eased. He then saw the boat suddenly pulled over towards the south, and then witness, seeing an accident was inevitable, ordered the engines to be stopped, fearing the persons in the boat might be struck by them. There was a light at the mast-head of the Star, which had been hoisted somewhere about Limehouse, on his way to London from Gravesend, before he set out on his return. The vessel was going at the rate of about five miles an hour. He would swear her speed did not exceed six miles an hour. The full speed of the Star was about eleven miles per hour. Left Gravesend at six o'clock with 500 people, and arrived at London bridge at ten minutes past eight.

Elias Pullen and Robert Wilkinson, seamen on board the Star give similar evidence.

Mr. G. Palling said, he was on

board the *Star* at the time of the accident. There was a light at the mast-head when the vessel left London, and it remained there until she reached Gravesend. He was on the fore part of the vessel when the accident occurred, and did not hear any person call out in the boat.

William Ward, the engineer of the *Star*, deposed that the steamer was going at the rate of five miles an hour when the occurrence happened. The order was given to "Ease her—stop her—back a-stern," which orders he obeyed immediately. He could not say what time it was when those orders were given, or in what part of the river.

The verdict was as follows—"Accidental death, with a deodand of 60*l.* on the *Star* steam-boat, which is the property of the New Gravesend Steam-boat Company, and the jury regret that some law is not in existence to prevent the rapid speed with which steam-boats are navigated in the Pool, and more especially after sunset."

8. **BALLOON ASCENT AT VAUX-HALL.**—The inflation of the balloon commenced at ten minutes past eleven, and in the space of twelve minutes it possessed sufficient power to support itself. Thirty-six men of the Lambeth division of police were then placed around, each taking charge of one of the cords connected with the network. In about an hour an iron weight of 56*lb.*, provided for the purpose, was also attached to each cord, and shortly after five more at different parts, making in all forty-one weights of 56*lb.* each. These were soon all lifted three feet from the ground. The rain now fell in torrents, and the netting and silk must have ab-

sorbed 300*lb.* weight of water, besides the quantity retained on the top of the balloon by the pressure of the net on the silk, each mesh forming a small reservoir. At a quarter past four the inflation was completed, having occupied five hours and five minutes. The process of attaching the car to the net was commenced. Twenty-four bags of ballast, weighing together 400*lb.*, being placed in the bottom of the car, nine persons took their seats in it. They proceeded at first to the east, but soon took a south-easterly direction, leaving Greenwich and Woolwich to the left. They had ascended about three quarters of a mile, when they found themselves in a brilliant sunshine, which formed a strong contrast to the dense and clouded atmosphere they had just left. The gas now expanded rapidly, and the silk down to the bottom of the neck was completely distended; and in less than five minutes the fall of the mercury in the barometer indicated a height of two miles and a-half. This was their greatest elevation. They crossed the Thames several times, and descended near the village of Cliffe, in Kent.

10. **FATAL COACH ACCIDENT.**—As the Peveril, Manchester, and London, night coach, was on its way from London, and about five miles beyond Bedford, the pole-chain got loose, and one of the wheel-horses began kicking and plunging, and almost immediately the end of the pole attached to the coach became unfastened. The weight of the coach pressed upon the horses (the coach being then at the brow of a hill), and they had no power of resistance. The coachman kept the horses in

the road till they reached the bottom of the hill, when the near wheels ran on the grass, which was not more than four or five inches higher than the road, and caused the coach to overturn on the off side into the road. One gentleman attempted to jump off. He fell on his face, and the coach fell upon him, and on the coachman. They remained nearly a quarter of an hour in that position, and when extricated, the passenger was quite dead, and the coachman severely injured, one shoulder being dislocated, and his head and body much cut and bruised. Of the male passengers four had their shoulders dislocated.

12. MURDER AT WOODHOUSE, LINCOLN.—An inquest was held on the body of Thomas Burton.

James Angrave examined.—I am the son of Thomas Angrave, of Rushyfields, Woodhouse, in the parish of Barrow-on-Soar. I, William Johnson, Thomas Biggs, and deceased, were mowing in a field of barley belonging to my father, on the 2nd instant, and after we had partaken of bread and cheese and ale together, Johnson said, he wanted more ale, and would go and fetch some. I advised him not to do so, but to go on with his work; he, however, went, and, after an hour's absence, returned tipsy, smoking a pipe. He said, "There, you may think it well that I have come back as I have, you are such a d—d fellow for work." He then attempted to mow, and continued nearly two hours, during which he drank three horns more of ale. Shortly after this, on his coming near where I was mowing, finding that he was still very tipsy, and using his scythe very unskillfully, I told him to stand back. Im-

mediately after I heard him say to Biggs, "Mow it up clean;" to which Biggs replied, "You don't point yours so well." In a moment Johnson flew at Biggs, knocked him down, and, throwing himself upon him, said, "D—n your eyes! I'll do you now!" Deceased went up to them, and, trying to pull Johnson off, was pulled down by him close to Biggs, when Johnson beat them both most violently about the head and face. I went up and struck Johnson on the head with the scythe-stick; I then pulled him off Biggs and held him down. I let him get up, and as soon as he was up, he sprang towards Biggs' scythe, seized it, and immediately struck deceased with it on the back of his left thigh. Burton said, "Will, you have killed me; I shall die!" He got up and walked to the hedge-side, where he fell, the blood flowing in a stream. I said to Johnson "You've killed Burton." He replied, "D—n you, I'll do for you all, or else I'll fetch my brother Harry and kill you all together." Johnson then struck at me with the scythe, which would have cut both my legs had not Biggs laid hold of his arm. Biggs ran away. He immediately struck at me again with the scythe, but I, at the same moment, struck him on the head, which knocked him down, and in falling he drew the scythe across my hip, which inflicted a wound in the flesh. I then went to assist the deceased, Johnson following me, again striking at me with the scythe, and I again knocked him down. On Johnson again striking me, I seized him by the collar, and said, "Now, Will, you ought to have had enough; look at poor Burton." His answer was, "D—n you all together." I then

tripped tip his heels, threw him on the ground, and went for assistance. Burton died about three quarters of an hour after that time.

Verdict, "Wilful Murder against William Johnson."

13. MANCHESTER MUSICAL FESTIVAL.—The first grand performance of sacred music took place this morning at the Collegiate Church. The doors were open, according to announcement, at half-past nine o'clock. By half-past ten o'clock the body of the church was nearly filled. The band was led by Mr. F. Cramer, accompanied by Mr. Mori; principal second, Mr. Wagstaff. It numbered in all 106 performers of the highest talent that could be found in the kingdom. The choral singers amounted to 134, and were under the superintendence of Mr. W. Wilkinson and Mr. George Holden, of Liverpool. Among the band were about 40 individuals of the Philharmonic Society.

The first part of the performance was opened by the Coronation Anthem. The second part was opened by a selection from the *Requiem* of Mozart. After this followed the quartetto "Benedictus qui venit." Up to the conclusion of the quartetto, Madame Malibran did not make her appearance, and it was rumoured that she was so severely indisposed, that she would be unable to sing. At that moment, however, Madame Malibran made her appearance. It was evident from the paleness of her face and lips, from the heaviness of her eye, and from her tottering and uncertain gait, that she was struggling with indisposition. To give her time, the quartetto was repeated. At its conclusion she rose, apparently with a painful effort, and, supporting herself by the front of

the chair, she commenced her task. At first the tones were tremulous, but still touchingly sweet, but as she proceeded she gathered strength, and she performed the remainder of the air with such pathos, that it was scarcely possible to refrain from outward demonstrations of approbation. In a subsequent recitative, and air of *Cimarosa*, selected from *Il Sagrafizio d'Abramo*, she seemed, for a time, to have reserved all her power, till towards the close of the air, when her strength began to fail her, and at the conclusion she seemed completely exhausted.

She fell a victim to her exertions, and died in Manchester.

The number of persons present was estimated at upwards of 5,000. The amount received for tickets, for the first ball, for the musical performances, and the books of the words, was 10,592*l.* 15*s.* 6*d.*

— COACH ACCIDENTS. — An accident happened to the Red Rover Manchester and London Coach. When it arrived at Stone, about twelve o'clock at night, it had ten outside passengers and one inside. It stopped, as usual, at the Falcon Inn, to change horses. When the fresh horses were put to, eight of the outside passengers had resumed their seats, the gentleman inside retaining his place. The coachman and guard were, one of them in the yard, and the other in the kitchen of the inn. The horses started off, turned the sharp corner of the road leading to Stafford, and proceeded at a moderate pace. The outside passengers on perceiving their situation, began to jump off the coach; and by the time the coach had proceeded a quarter of a mile on the road, every outside passenger had quitted it.

In their falls they all received injuries more or less severe. After the outside passengers had left the Red Rover, the horses still pursued their course, and when the Birmingham and Liverpool mail met them near Aston, they were going at a comparatively steady pace. The Bee-Hive afterwards met them near the turnpike-gate, at which time they were on the full gallop. They avoided, however, any collision with the Bee-Hive, as they had previously done with the mail. On arriving at Tillington, about a mile from Stafford, the coach was upset. The gentleman inside, having early learned the situation in which he was placed, took his seat on the floor of the coach, and did not stir during the whole time; the consequence was, that he escaped without the slightest injury.

On the 20th the Standard coach from Edinburgh arrived at Galashiels, where there is a bridge uniting two curves of the road, one of the horses commenced kicking, and in a few moments had its hind legs over the bar. The coachman tried to arrest their progress, but his efforts were useless, and the coach was overturned in a few seconds. At that time there were four persons inside; one lady had her arm broken, and a gentleman had his leg broken; the other passengers sustained serious injuries. One of the passengers died at Galashiels, from the effect of the injuries he sustained.

About nine o'clock the same night, the North Briton coach was approaching Chorley, in Lancashire. The coach was meeting some waggons, and was followed by a number of carts. The coachman, to escape the waggons, drew on the opposite side, and, owing to the mist, went too far, and plunged the

vehicle down a precipice. One man was killed on the spot.

23. MURDER AT JERSEY.—The trial of Francis Callot, who had been, on Thursday the 15th, found "more guilty than innocent of the murder of Mary Jane Williams," by the petty jury of St. Helier, came on in the Royal Court, Jersey. At eleven o'clock the prisoner was brought up by the deputy Viscount and the gaoler, escorted by 15 halberdiers. The prisoner still persisted in his plea of 'Not Guilty.'

Advocate Godfray addressed the jury for the prisoner. He said the question which was submitted to them was, whether Callot murdered Mary Jane Williams, on Monday, the 30th of May last. The facts established by witnesses were as follows. Callot was betrothed to the deceased: a woman came to him on the Monday morning, and informed him, that she was in bed with another man. Callot went to the house in company with others, and forced admittance. He found the deceased there, but forgave her, and went and fetched a bottle of brandy; after which he staid with her two hours, and they drank together. A young man, named Janvrin, passing by the house, was called in by the deceased: she whispered something in his ear, which excited Callot's jealousy; whereupon he drew from his pocket a pistol, which he placed about three inches from the stomach of the deceased, and fired it off, when she fell. The question the jury had to consider was, whether from the evidence they had heard, and the facts and various circumstances of the case, there were not strong grounds to believe that the prisoner did that act in a state of mental aberration. They had the

deposition of Mr. Edward Sullivan, governor of the General Hospital, who stated that in the year 1827 the prisoner was an inmate of his establishment, and was occasionally confined to a cell, being considered at that time as a lunatic; that he often refused the necessary food, and slept on the grass plot and most filthy parts of the premises: that he had repeatedly said that he should die at a certain hour of the night. The jury had also the deposition of Mr. Syret, Mr. Barthelmy, Mr. Le Fevre, and Mrs. Coutanche (Anne de St. Croix), all of whom went to establish the prisoner's insanity. The prisoner was in a state of jealousy; his mind was excited to the highest degree. Callot was guilty of homicide or manslaughter, but not of murder; he never premeditated the deed, being at the time in a state of mental derangement.

The Procureur du Roi, in addressing the jury, said, the only fair inference which could be drawn from the facts was, that the prisoner fully understood right from wrong, and therefore was responsible for his acts.

The Bailiff summed up the evidence and delivered his charge to the jury, wherein he explained the laws of England and France on the charge, after which he declared his conviction that the prisoner was guilty of the crime of murder.

Twenty of the jury found "Francis Callot rather guilty than innocent," and four "guilty of the same crime, but when he was of mental alienation."

The Bailiff having ordered the prisoner to kneel, read the sentence of the court, which condemned him to death.

## OCTOBER.

### 1. ACCIDENT ON THE RIVER.—

Four persons, Bassy, Lewis, Ship, and Chadsey, tradesmen, residing in the neighbourhood of the church of St. George's-in-the-East, agreed to go down the river upon an excursion to Gravesend and back, in a skiff belonging to one of the party. They were towed part of the way, and reached Gravesend in safety. After partaking of some refreshment at that place, they left it about two o'clock, with the intention of returning to London. On rounding the point at Purfleet a sudden gust of wind capsized the vessel, and a loud shriek was heard from the four unfortunate men. A ship's boat and a waterman belonging to Purfleet put off to their aid. Two of them immediately disappeared. The third was picked up alive in a very exhausted state; restoratives were applied, and he appeared to be recovering, and was, as soon as possible, conveyed to the New Hotel, at Purfleet, where a surgeon immediately opened a vein in the arm. A few drops of blood only followed, and after groaning heavily, he breathed his last. The fourth individual in the boat clung to the mast as the boat was sinking, and when it was raised he was discovered in that position.

3. MR. GRAHAM'S BALLOON ASCENT.—Mr. Graham made an ascent in his balloon from Sydney-gardens, Bath. Several candidates for a seat in the car presented themselves; but on its being attached, the aeronaut found that the balloon was not sufficiently buoyant to allow of its carrying more than himself and a proper quantity of ballast. This was owing to a heavy storm coming on at the time, which increased the weight of the balloon, in con-

sequence of the net-work absorbing water to the amount of at least 70lb. or 80lb., exclusive of the moisture on the other parts of the machine. Being thus compelled to make a solitary voyage, he took his place, and, the signal being given, he ascended at a quarter past five o'clock amidst the shouts of the multitude. He remained in sight about twenty minutes, when the balloon entered a dense cloud, from which it emerged a short time, and then disappeared. After having been up twenty minutes, Mr. Graham entered another cloud, and then tried an experiment to float in a horizontal direction, and proved the practicability of so doing. After having remained in the air about an hour, he descended in a field at Calstone, three miles from Calne.

7. **EXPLOSION AT THE SOUTH METROPOLITAN GAS-WORKS.**—About half-past five o'clock, an explosion took place at the South Metropolitan Gas Works, on the bank of the Surrey Canal, arising from the ignition of gas. Soon after the lamps in the district supplied by the company were lighted, a stranger applied at the works and informed a labourer in attendance that great difficulty was experienced by the consumers in the neighbourhood in obtaining a proper supply of gas. The labourer, accompanied by the stranger, immediately repaired to the purifying-house to ascertain the cause, and it was found that an escape of gas had taken place. A light having been imprudently taken into the interior of the building, the gas ignited, and a most fearful explosion instantly took place, which blew the roof of the house into the air, and forced the walls down. The fragments of the purifying-

house, and particularly of the roof, were scattered in all directions, many pieces falling a quarter of a mile from the spot. The two men, the labourer and the stranger, were severely injured, and were thrown to a considerable distance from the house where the explosion took place. When they were found, their clothes were reduced to a cinder, and their bodies and faces frightfully burnt. The purifying apartment of the gas-works was of great extent, and was covered with an iron roof, which was so completely shattered by the explosion that only very small portions were to be seen lying about. When the gas ignited, the flame was seen but for a few seconds only, at a great distance; and the concussion of the air was so great, that it was felt at Greenwich, Blackheath, Stepney, Shadwell, and even at Kensington. In the neighbourhood of the old Kent-road doors were thrown open, shutters and bars torn from the shop-windows, and the glass in the windows smashed in every direction.

17. **LOSS OF THE RED ROVER STEAM-BOAT.**—During the fog, two of the Margate steamers, the Magnet and the Red Rover, came in contact near the Nore with such violence, that the bows of the latter vessel were stove in, and she sank within five minutes of the time the two vessels struck. At the Reculvers the Magnet had got on shore, and was detained there two hours, until she was floated by the returning tide. When near the Nore, the Red Rover packet, from London to Herne Bay and Margate, was seen approaching, not many yards ahead; and, in the confusion of the moment, the signals of the two vessels were misunderstood, and, though the speed was slack-

ened as quickly as possible, the Magnet struck the Red Rover in the bows with such force as to stave them in, and she instantly began to sink. The Red Rover fortunately remained close to the Magnet, and the passengers were enabled to jump from the one boat to the other. The head of the Red Rover gradually sank until the water reached the deck, and then the vessel righted, and went down perpendicularly, not leaving a vestige in sight.

—HOMICIDE.—An inquest was held on the body of John Nicholas, a waterman, who was shot on the river by Mr. John Hewes having fired a loaded blunderbuss from on board the Brilliant yacht.

George Busk, surgeon of the Dreadnought hospital-ship, lying off Greenwich, said, the deceased was brought on board on Monday afternoon. He saw him about seven o'clock, two hours after he was brought to the ship. He was labouring under extreme depression, and there was a small wound in the abdomen. He complained of great pain, and said he had been shot. Witness considered him in very great danger, and attended him until his death, which took place on Tuesday night, at half-past eleven o'clock. He had since opened the body of the deceased, and discovered a wound which had penetrated the front of the abdomen, about three inches above the navel. On tracing it he discovered that the wound had passed backwards and downwards a little to the left side. The substance which caused the wound had injured one fold of the small intestines, and had lodged in the mesentery, where he found a portion of a brass button, the shank of which had been removed. The wound had caused

excessive internal bleeding, and he found four pints of blood in the body in a coagulated and fluid state. Mr. Hewes called on board and inquired into the state of the deceased, and expressed the greatest commiseration for him, and his regret at the unfortunate occurrence. He gave the witness a glove, which he said was the fellow one of that which he used as wadding for the blunderbuss which he fired. There was a metal button with a shank on it. The button was similar to the one found in the deceased's body. He said he was the unfortunate individual who had fired the piece.

Isaac Harwood stated, that he was a printer, and resided at the Torbay in Greenwich. On Monday afternoon, he took a boat, and in company with a man named Preston, went on the river towards the Royal Hospital, to see a sailing match. The Brilliant, belonging to Mr. Hewes, which was one of the competing vessels, came in first, and Mr. Hewes fired a blunderbuss towards the open square of the hospital. Witness was close to him, and distinctly saw what he was about. He saw him ram down the piece on the second and third occasions with detached portions of the glove. While he was ramming down the powder the third and last time he said—"Here goes buttons and all." Two gentlemen, who were standing in a boat at the stern of Mr. Hewes's yacht, advised him, if he had anything dangerous in the blunderbuss to discharge it in the air, and not fire it as he had done on the two previous occasions; but Hewes said,—"That be d—d, I shall fire in the same position as I have done before." He placed the blunderbuss to his shoulder and rested it on the edge of the

vessel. Shouts were heard from the shore that a man was shot. Mr. Hewes went ashore. Mr. Hewes was about sixty or seventy feet from the Hospital-walk, where the deceased was, when he fired the blunderbuss.

Frederick Richard Preston, who was in the boat with Harwood, confirmed what Harwood had said, and deposed, that he heard Mr. Hewes call for his gloves before he fired the blunderbuss in celebration of his winning the match, and that he fired each time in the direction of the Hospital-square. He did not hear the expression fall from Mr. Hewes of "Here goes, button and all;" but he heard him ask for the glove before the last fire.

Thomas Gillett, a waterman, stated, that he went off to a steamer, when the sailing boats came in, and afterwards went alongside the Brilliant yacht to bring Mr. Hewes away. He told him the gentlemen on board the steamer wished to see him. He said, "We will have a salute first," and fired his blunderbuss, previous to which he asked for wadding, and a gentleman gave him a glove for that purpose, which he tore up and rammed in the piece. Before he fired the last time he said, "I am afraid I have got a button with the glove." Witness said to him, "You had better fire the blunderbuss in the air." Mr. Hewes said, "No, we want to give them a salute ashore." Witness advised him to fire it off high. He then put the blunderbuss to his shoulder, and witness, seeing the position he held it, said, "That will do." He then fired towards the Five-foot walk, in front of the Royal Hospital. He heard no such expression fall from Mr. Hewes as

"D—n me here goes, button and all." He believed he said "D—n me, we will give them a salute." He heard no one advise Mr. Hewes to take the button off.

Mr. Hewes addressed the jury, and expressed his great sorrow at the unfortunate occurrence.

The jury, after deliberating for one hour, returned a verdict of—"Homicide by misadventure."

18. About 8 o'clock in the evening the heavens presented one of the most splendid of those phenomena, known as the *Aurora Borealis*, or northern lights. There first appeared a large luminous arch, extending nearly from north to south from which streamers appeared very low, running from N.E. to S.W., and increasing in number until they began to approach the zenith, apparently with an accelerated velocity. Suddenly the whole hemisphere was covered with them. This splendid scene, however, lasted only about forty seconds; the variety of colours disappeared, and the beams lost their lateral motion, and were converted, as usual, into flashing radiations, which kept diminishing in splendour until the whole disappeared, leaving only a pale white light near the horizon. During the aurora, which lasted about half an hour, the light of the stars was not refracted, numbers being occasionally seen through the luminous arch or beam.

21. CHARGE OF SHOOTING SEVEN PERSONS.—At Wootton Hatch, in the lower part of Surrey, several persons were seriously wounded, during the time they accompanied a party, who were engaged in playing what is termed the "rough music" in the vicinity of a house inhabited by a man named Brennan, who was ap-

prehended on suspicion of having committed the act, and the following evidence was adduced against him.

Charles Mott stated, that he left off work at Wootton rectory on Friday evening last at seven o'clock, and on passing by a place called Tillingbourne, he met a party of men and boys near the meadow. They were hallooing, and he knew, on hearing them, that they were going to play the rough music at Tillingbourne, because John Brennan was reported to have beaten his wife. Witness accompanied the party towards a place called the Wilderness, and the people kept making a noise; and when he got a short distance further, he felt that he was shot in the head and in the shoulder, but he heard no report of a gun, neither did he see the person who discharged the gun. Witness saw several other persons who appeared to have been wounded, for some of them fell to the ground. He turned back with the rest to Wootton Hatch, and was attended by a medical man, who extracted two shots from his head and two from his shoulder.

Richard Collis examined. On Friday night I heard that there was to be rough music at Tillingbourne, and I went to see it. About half-past seven o'clock I came up with the party in the road. There were in all about 150 persons. On the Wednesday evening before, I heard Brennan say that he would kill every one of us. When the party got to the footpath leading out of the coach-road through the coppice, I stopped and looked towards Tillingbourne-house, to see whether Brennan came out. I then saw a person in a dark jacket standing by the

holly between the fir tree and the gate, and I saw him discharge a gun. It was light at the time. The report was not loud, and I thought it was only a little powder. No one that I saw was then hurt. We then went on through the coppice, and round, so that we came back nearly to the spot, and at that moment the same person discharged a gun the second time, and then three or four persons fell at my feet. I received one shot in the shoulder. After I was shot, I rushed forward to seize the person. At this time I was within seven or eight yards of the man who had fired the gun.

Mr. R. P. H. Joddrell.—I heard that there was to be rough music at Tillingbourne, and I joined the party. Upon first going into the meadow by the garden close to Tillingbourne some stones were thrown, one of which hit me. A little further on, near Tillingbourne-house, a gun was fired, the shots from which cut the tree above me. Going round the second time, and near the same place, a gun was again fired within twenty-four yards of us, the shots from which struck me, two on the face, two on the arm, and ten entered my fustian coat. Edsors and one of the Johnsons fell when the shot was fired.

Charles Garburn examined.—I heard that there was to be rough music at Tillingbourne, and I joined the party. We went round once, and a part of the way a second time. The first time I heard a gun fired near the Wilderness by the house, but nobody was hurt; the second time, near the same place, a gun was again fired, and I received seven shots in my head, face, and shoulders. I did not see the person who fired,

but heard a voice say, when we proposed to follow and take the man, "Will you," several times. I swear that that person's voice was Brennan's. I was with the rough music on a former night, and Brennan then said that he would kill every one of us. Other witnesses deposed to the same effect; and Brennan was committed for trial.

24. **DISCOVERY OF A HUMAN SKELETON.**—An inquiry took place in the Council Chamber of Lincoln's-inn, before Mr. Stirling and a jury, consisting of the benchers and other legal gentlemen of the Inn, for the purpose of investigating the circumstances attending the discovery of a human male skeleton, in New-square, Lincoln's-inn. From the evidence which was brought forward, it appeared that some workmen were employed at No. 9, New-square, Lincoln's-inn, in digging out the ground for the construction of a vault or cellar, in doing which the skeleton was discovered. The bones lay within the compass of about five feet, and four feet from the surface of the ground. At the sides and ends were pieces of planks in a state of great decay. They did not appear to be the remains of either a coffin or box, but wood placed round to support the body. Only one large clout-nail was found, and nothing having the appearance of the handles, or plate of a coffin was discovered. Dr. Moore, of Lincoln's-inn-fields, who arranged the bones of the skeleton, said, that the skeleton was of the male sex, and of a person certainly not exceeding twenty-five years of age. He was not able to say whether the death of the subject was caused by violence or not. From the gravity of the bones,

and the entire absence of all animal secretion, he should say that the skeleton had been under ground more than half a century. He had seen human bones at Teneriffe, that had lain under ground 500 years, in better preservation than the skeleton before the jury. A long discussion took place between the jury, as to the date of the erection of the range of buildings where the skeleton was found. One of the gentlemen said, that in 1735, a great part of the Inn was consumed by fire, and within the last half-century, No. 9 and 10 in the square were the old Stamp-office. Several of the jury present said, they could recollect the Inn between forty and fifty years, and during that period, nothing had occurred that would at all account for the presence of the skeleton in the situation it was found. No other evidence was adduced to further the inquiry, and the jury, after some observations returned a verdict, "That the bones of a male skeleton were found in the earth, on the 20th of October inst., but how they came in such a situation, and by whom, and when placed, there was no evidence to the jury."

—**CASE OF HYDROPHOBIA**—A son of Mr. Priestnall, a respectable farmer at Butley, was taken ill at school with a general fever and difficulty of swallowing. On his return home in the evening, his parents engaged the attendance of Mr. Nightingale, of Wimslow, surgeon; but no apprehensions of hydrophobia being entertained, the case was treated as one of hysteria, until the following morning, when Mr. Bland, of Macclesfield, also saw the boy, and the symptoms were then such as to leave no doubt on his mind, that the patient was labouring under a decided at-

tack of hydrophobia. The boy was able to swallow, but not without great effort; he complained of much confusion in his head, and after taking any fluid, his eyes became glaring and very prominent, with an appearance of obliquity of vision. A number of leeches were immediately applied at the back of the neck, and slight opiates administered. In the evening he expressed himself greatly relieved by this treatment, but the difficulty of swallowing had increased; and the slightest noise, or the appearance of water, or the approach of a candle near him, threw him into dreadful convulsions. He became gradually worse during the night, and in his conscious intervals he frequently requested his parents, and the other persons who came near his bed, not to approach too near him, lest he might bite them, almost immediately afterwards attempting to do so, during the paroxysms of his dreadful malady. On the following morning he was visited by Mr. Nightingale, Mr. Fleet, Mr. Lallemand, and Mr. Bland, who, in consultation, deemed the case utterly beyond the reach of medical skill. The poor boy remained in a state of almost uninterrupted convulsions, accompanied with violent struggling, which required the united efforts of several persons, to restrain him from doing injury to himself or those about him; the saliva issuing from his mouth. He continued in this state until the afternoon of Wednesday, when death terminated his agonies in about forty-eight hours from his first attack.—About four months previously, young Priestnall met a strange dog near a brook, and endeavoured to force the dog into the water; it however turned upon him, and bit him very slightly on

the back of his left hand; the wound was so trifling, that he did not make the occurrence known at the time. The dog was, however, soon afterwards seen by other persons, and suspicions of its being in a state of madness arising, it had been pursued and killed.

—DEATH OF A MISER.—An old man named Cook, who for some years resided in an obscure lodging in Crown-court, Gravesend, called upon Mr. James, a broker in High-street, to inquire whether he would allow him to lodge with him, as he had been uncomfortable for some time past. The request was complied with, and in the evening he took possession. He had retired to rest but a short time before he was taken ill, and two medical men were sent for. Upon their arrival, they pronounced him dying, which was no sooner communicated, than he ordered an attorney to be sent for, as he wished to make his will. An attorney was speedily in attendance. The old man, raising himself in his bed, bequeathed to his daughter 150*l.*, and to three nephews 40*l.* each. Upon being asked if he had a wife, he replied, “No,” but he had two brothers and another daughter, who had all behaved very ill towards him, and he would leave them nothing. When asked to whom he left the residue of his property, he replied “to Mr. James, for his kindness,” at the same time handing the attorney a paper, which, upon being opened, was found to contain securities for upwards of 800*l.* in the Bank of England. Thus Mr. James, who was appointed sole executor, after paying the respective legacies, made upwards of 500*l.* by his lodger, who continued to grow worse, and died on the evening of the following day. The

deceased, who was seventy-five, had been frequently seen to pick up bones and rags in the street, and put them into his pocket; and at the time of his death, he was in a most filthy condition.

25. PARIS.—THE LUXOR OBELISK.—At eleven o'clock this forenoon, the process of elevating the Luxor Obelisk commenced, in the Place de la Concorde. It is the smaller of two monoliths of red granite, discovered in front of the ruins of the palace of Luxor. The larger of these monuments is 77 feet and 6 lines high, including the small pyramid which forms its termination. Its base is 7 feet 8 inches and 8 lines broad. It is calculated to weigh about 257,169 kilogrammes. The other obelisk, now in the Place de la Concorde, is 70 feet 3 inches and 5 lines high, including the pyramid at its top, which is partly destroyed. Its greatest breadth at the base is 7 feet 6 inches and 3 lines, and it weighs about 220,528 kilogrammes. In Egypt this obelisk stood upon a pedestal, and was placed on a foundation formed of freestone. The pedestal consisted of a single block of rose-coloured granite, having its four sides decorated with sculptures, of which only some portions remain uneffaced. From an examination of the still existing parts, it appears that the northern and southern sides were ornamented with cynocephales in bas-relief, having the name of Ramessé engraved on their breasts. The two other sides were likewise ornamented with bas-reliefs representing the god Nile in full length, making offerings to Ammon, the divinity of Thebes. There is a considerable fracture in this obelisk, but the broken part is not detached from the main block. The fissure commences at the base, and

extends upwards about one-third of the height of the obelisk. This defect appears to have existed at the time of its first elevation, and the ancient Egyptians took the precaution of rivetting the two parts together with pieces of sycamore-wood, placed at the bottom of the base. Each side of the obelisk has sculptured on it three columns of hieroglyphics. These are arranged vertically, and contain the names of the kings by whose orders the obelisks were decorated. At the top of these columns, and below the pyramid, there is on each side a design in which the Pharaoh, who was the donor of the obelisk, is represented offering to the god Ammon-Ra, who is sitting on his throne, vases, some filled with wine, and others with water. Below this design, and at the top of each hieroglyphic column, is the royal ensign or banner, framed, and terminating in the lower part with a border. This banner, surmounted by a hawk, the symbol of Aëris, contains the titles of the kings named in the inscriptions. The following is an explanation of the legends on the obelisk, according to the exposition of M. Champollion:

Inscription of Rameses II.—Ammon-Ra is sitting on his throne: his head is adorned with two long feathers. He holds in his right hand his sceptre, and his left hand a cross, the symbol of divine existence. Rameses II. is on his knees before him. He is making to the god Ammon-Ra an offering of two bottles of wine.

The name of Rameses II. is in front of his figure, and the legends of Ammon are between that and the head-dress of the god. The short inscription, perpendicular to his sceptre, is the title of the de-

sign, "Gift of wine to Ammon-Ra."

Middle Column :—Banner — "The powerful Areoris, the beloved of Tmé and the friend of justice."

Vertical Inscription.—Lord of the Superior Region; Lord of the Inferior Region; Regulator of Egypt, who has punished the countries.

Eastern Side.—Bas-relief of the offering. Subject analogous to that on the western side; also the wine offering. The banner likewise contains the titles of the King, and the inscription is composed of the praise of Rameses II.

Northern side.—Bas-relief of the offering:—The same King is making a similar offering to the God of Thebes. The vulture, emblem of victory, is hovering over the King's head.

The middle column of this side also refers to Rameses II. The banner bears his royal and religious titles.

Western side, looking towards Neuilly.—The bas-relief of the offering refers to Rameses II.:—Left column banner.—"The powerful Areoris, supporter of the vigilant (or watchful)." The inscription speaks of the force and victories of Sesostriis, and of his glory over the whole earth. In the right-hand column the banner designates him as the cherished of Tmé (truth or justice).

Southern side :—Bas-relief of the offering.—Sesostriis, having his head adorned with the symbol of his authority over upper and lower Egypt, and surmounted with the winged globe of the sun, is making an offering of two vases to Ammon-Ra, the god of Thebes. The middle column adds to the praises of Sesostriis, that he is the chosen son of the King of the gods, who

upon his throne governs the whole world. The three columns of this side uniformly terminate with the proper name of the King, the Son of the Sun (the cherished of Ammon Reamiss). This side of the obelisk, which was in Egypt turned towards the river, as it now is in Paris, appears to allude to this circumstance. The bas-relief, indeed, represents, according to M. Lenorinant, the King making an offering to the god Ammon, not of wine, but of water; and Ammon, the lord of the celestial waters, seems to promise to Rameses in exchange for this offering abundant inundations.

Eastern side (looking towards the Tuileries).—The banner and the inscription of the right-hand column proclaim Sesostriis "to be the powerful Areoris, friend of truth or justice (Tmé); the ruling King, amiable as Thmon, being a chief, born of Ammon, and his name being the most illustrious of all." The banner in the left-hand column has the following words:—"The Areoris, powerful son of Ammon."

Northern side (looking towards the church of the Madaleine).—The banner of the left-hand column is remarkable for the great number of symbols which compose its legend. The inscription styles Sesostriis the grand calculator, and the lord of victories.

The obelisk itself is in appearance a most unsightly specimen of the barbarous.

28. EXPLOSION AT THE LIVERPOOL POST OFFICE.—*Liverpool Sessions*.—The indictment charged the prisoner, Joseph Gomez Pelayo, with having put four packets into the letter-box, which contained each one ounce weight of fulminating silver and small particles of

brass, the prisoner well knowing that the packets contained the aforesaid quantity of the said materials, and well knowing that such packets were likely to explode, and if they exploded, were calculated to endanger human life; and whereby Daniel Barnard, being employed in the post-office to stamp letters, was, in stamping these letters with the post-office stamp, dreadfully scorched and wounded, and had one of his eyes destroyed by a dreadful explosion caused thereby; whereby the said Daniel Barnard had suffered great pain.

On the indictment being translated to the prisoner, he said he was not guilty.

William Augustine Bond deposed to being a clerk in the Liverpool post-office. He was on duty on Saturday, the 24th of September. On the evening of that day he found six letters placed on his desk; he marked each of those letters "Postage not paid," in red ink. The three packages produced were a part of those. He enclosed two of the letters in one envelope, and one in another. He did not know the weight of the packages. He made the remaining three up in another packet, and inclosed them in an envelope, addressed to the dead letter-office. After this he left one of the letters on the stamping-table, and a packet. A person named Barnard was stamping letters that evening in the post-office, and he directed him to stamp the letters on his desk. One of the letters produced was one that he had stamped. He had stamped the packet containing three letters himself, and put them in the bag. About 20 minutes after he had directed Barnard to stamp the letters, he happened to be looking at the stamping-table, when he ob-

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served a stream of white vapour proceeding from it, and at the same instant there was a tremendous explosion. It put out the lights of the office, broke five squares of glass, knocked one of the clerks down, and he saw Barnard reel, turn half round, and fall on his face. He went to him and assisted him up. He found blood streaming from his face, and his left hand first finger much lacerated. He was conveyed into an inner office, and a medical gentleman sent for. He then assisted in picking up some envelopes of letters, which were strewn over the stamping-table and the floor. The fragments produced were those found. Upon four of the fragments witness's own writing was discernible. There was "Postage not paid," and "Inspector of dead letters, dead letter-office, London," in his handwriting, on the fragments of the envelope. He was employed in the post-office on the 23d. The three letters produced were dropt into the receiver at the post-office on the 23d, between 8 and 10 in the morning. He knew that from the stamp. After the explosion, Mr. Banning was made acquainted with the circumstances, and it was decided to send an express off to London to avoid any accident from those which had been sent off. One of the packets which had exploded, was marked 2 oz. weight, and the other 2½ oz.

The interpreter was then directed to read the directions of the three letters which had been sent to the London post-office: One letter marked A, was directed to "His most excellent sir Don Miguel, governor of Havannah," with the initials in the corner, E. S. P. M., being the initials in Spanish for "to be de-

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livered into his own hands." Another letter marked B, was similarly addressed to "Most excellent sir, the captain general governor of Havannah." The third letter, marked C, was addressed "to the Widow of the deceased Don Amanbranfo, Havannah." On the envelope of the letter A was, "of the greatest importance," and in the corner, the initials of the prisoner, J. G. P. The signature of the letter of Joseph Gomez Pelayo, and it was dated Liverpool, 22d of September, 1836. On the envelope of the fragments found was the address, "to Don Carsa Noveilo, merchant, in Matanzas," with the initials E.S.P.M. There was also another envelope, bearing the same address; and another fragment of a direction, which was so torn as not to be perfectly legible. Some letters found in the trunk of the prisoner were then handed to the interpreter, and on one of them were found the addresses of the various letters which contained the silver.

Mr. William James Page is a clerk in the dead-letter-office in London. He went to the office on Monday morning, the 26th of September. He found a package of letters on his desk, and received at the same time a letter from Mr. Banning, which he opened first. In consequence of the information in that letter, he opened the packets with great care. He found in letter C, a Waterloo-cracker and a small round packet of fulminating silver. If the packet had been opened in the usual way, he had no doubt it would have caused the letter to explode. The packet of fulminating silver was a circular package, larger than a crown piece, two pieces of paper gummed together round the edges, and enclos-

ing fulminating silver. Upon the wafers of all three of the letters was the impression J. O. H. If he had not received Mr. Banning's letter, he should have opened the letters in the usual course of business. The letter marked C, was the only letter which contained the silver.

Michael Conway.—Knew the prisoner. He first saw him on Tuesday, the 20th, soon after 12 o'clock. He came ashore from the Virginia packet. Witness showed him a lodging card, and he said he wanted a room, with a lock and key, and he took him to Mrs. O'Hara's, in Temple-lane, where he left him. There was a bolt inside his door. He was to call on him next morning, to go for him to the packet to get his trunk. The Custom-house officer was not on board, and he could not get his trunk. He then came ashore, and he told him to show him the post-office, which he did, and prisoner said, "that will do." They then returned to the packet ship. The prisoner then went down into the steerage, and got the box produced (something like a cigar-box.) He then went with the box to the prisoner's lodgings, and prisoner said he wanted to write a letter, and sent him for some paper. They then went on board again to get prisoner's trunk, and they got it from on board the ship. On the Friday he called on the prisoner again between 9 and 10 o'clock, and they went down to the Saracen's Head, and the chief book-keeper spoke to the prisoner in his own language, and forwarded the prisoner and his box to London. On the Saturday morning he called again on the prisoner, and he was to call again at 3 o'clock, and he took his trunk down to the coach-

office. The prisoner then told him to call on him at 6 o'clock to show him the post-office, as he had some letters to put in. It was 20 minutes to 7 before he called, and the prisoner was getting his tea. The prisoner then went up stairs, and brought down something in a handkerchief. He then went with him to the post-office, and they were there about 7 o'clock, and the prisoner put in several packages out of his handkerchief into the post-office; the prisoner said they were for a Spanish country. The paper, which he had got for the prisoner to write on, was a blueish thick paper. The Birmingham mail was just starting from the post-office, when the prisoner put the packages in. He saw him distinctly put them in. He was close to him at the time. He dropped them into the letter slit at the post-office. The slit was just opened as they got there. He saw the same trunk on Sunday last at the post-office, which he got from on board the Virginia and had taken to the prisoner's lodging at O'Hara's.

Mary O'Hara.—Is the wife of John O'Hara, and lives at 24, Temple-lane. Recollected the prisoner coming to her house on Tuesday, the 24th of September; it was between 10 and 12 o'clock in the forenoon. He wanted a room with a lock and key. She let him a room with a bolt. He was to give her 3s. a-day, board and lodging. On Wednesday morning, on making his bed, she found a pair of pistols under his pillow. She saw the prisoner's trunk, and had since seen the same trunk at the post-office. She saw the prisoner take a blunderbuss out of the trunk. She remembered his going out on Friday morning. She remembered his asking for a brush to

sweep] his room. He afterwards came down stairs and put a few slips of paper on the fire; it was about 4 o'clock on Saturday. The paper made rather a whizzing noise on the fire. She asked him if he was going to shoot her. He said he would not hurt her. This witness corroborated the statement of the boy calling at night.

John O'Hara, the husband of last witness. — The prisoner wanted to sell a trunk he had. He saw him take a blunderbuss out of the box, which the prisoner said was loaded. He made him unload it, and there were twenty-two balls in it, and some powder. On Friday morning he wanted something out of the prisoner's room, and knocked at his door, which prisoner opened. The prisoner was writing, and there was a box on the bed. He thought he saw him put a paper on the bed. The witness had a seal, the initials of which were J. O. H., it was on the kitchen window when he let the prisoner his room. He had never used it, whilst the prisoner was with him. He missed the seal after the prisoner left his house.

Mr. Maitland Wilson Boyd is employed in the General Post-office, in London. He was present when the prisoner was examined at the Post-office, when a conversation took place in French. He asked prisoner if he had not come to Liverpool in the Virginia packet? He said he had, and that he had put some letters in the post. He replied in French, "peut-être oui." He asked him if the packages which had come to London were in his hand-writing? and he said they were. On showing him the letters which had been put in on Saturday, he said he had put none in the post. He also said, that letter

C. containing the silver was not in his hand-writing. The prisoner said he came from Madrid and had lived in Paris. He came from the Havannah to Liverpool. He was asked where he got a seal found on him, and he said "at Liverpool." The impression on the seal was J. O. H., and the same as was on the wafers of the letters. He had no doubt but the impression on the wafer was produced by the seal.

George Thomas Joseph Ruthven, a Bow-street officer, went with another officer to Golden-lane to apprehend the prisoner from information which he had received. The prisoner was not in, and he waited for him. The prisoner came about one o'clock, and he immediately took him into custody. He found on him a pair of pistols loaded with ball and powder, and a stiletto. The stiletto was in his waistcoat pocket. The prisoner pointed to a chest in his room. They tried to open the chest, but could not, and it was forced open. The first thing he saw in it was a blunderbuss. There was also a belt round the prisoner's body containing eleven doubloons. Some papers were found corresponding with the directions of the packets. Some paper found in the prisoner's box, of a pinkish colour, was the same as that of the letter signed Joseph Gomez Pelayo. There were also some strips of card which were Waterloo-crackers, and exactly corresponded with those in the letters. He found some fulminating silver in a snuff-box, and some small particles of glass. There was also some silver. The lock to the trunk was a secret lock, and could be opened only by the prisoner.

Dr. William Reynolds desposed

to having examined the packets, and found them to contain fulminating silver. He had no doubt of it; he had tried it by several tests. This powder was ten to one in strength to gunpowder. He had exploded some of the powder found in letter C. He should think the discolouration of the exploded letter was produced by the explosion of fulminating silver. He had tried some, and found it produce similar appearances. The powder if struck with a stamp or anything else, would explode. The powder in the snuff-box was fulminating silver, and there was some coarsely powdered glass. Glass was used p occasion friction in Waterloo-crackers. Fulminating silver was crpowder which would explode.

Mr. George Gill, surgeon, had attended at the post-office on the night of the explosion. He found Barnard in a state of insensibility, there were fragments of paper in his face and in his eye; and his face was dreadfully lacerated. He extracted a portion of one of his finger nails from his cheek. He also extracted brass nails from the fingers of his right hand. His hand was very much injured, and one of his eyes was completely blinded, a portion of the paper being driven through the cornea. He would never recover the sight of that eye.

The Jury, after a short consultation, found the prisoner *Guilty*, and the sentence of the Court was, that he be imprisoned in the House of Correction, at Kirkdale for two years.

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#### NOVEMBER.

CORONERS INQUESTS. — An inquest was held on the body of Mr. John Hammond Jones, aged

forty-three years, an artist of some celebrity, residing in Brompton-row, Knightsbridge.

The jury having been sworn, the following evidence was taken :

Matilda Besser stated, that she was niece of the deceased, who was a married man, and she resided at his house. Deceased had latterly enjoyed a good state of health, with the exception of suffering from rheumatism, for which he took laudanum. On Saturday morning last, about seven o'clock, she was called up by Mrs. Jones to see deceased, who was very ill. Witness found deceased lying on the bed, and very drowsy, but perfectly sensible. Mrs. Jones then showed witness a phial marked "Laudanum, poison," which, she said, she had found in the kitchen. It was sent by Miss Jones to the shop of Mr. M'Manus, a surgeon, a few doors off, who sent word they had sold deceased a great deal too much, and he hoped he had not taken it all. He also sent a draught, which was given him immediately. In about half an hour afterwards Mr. M'Manus was again sent to, with a request that he would come to see deceased, but he sent his shopman with another draught, which he gave him. He then ordered him strong coffee, after which he vomited a little. The shopman then left, upon which Mr. M'Manus was again sent to, when he ordered as much tea and hot water to be given the deceased as possible, and that he should be kept roused, which was done. In the evening Mr. M'Manus himself came, and desired tea to be continually given him. During the evening he again attended, accompanied by his shopman, when they ordered some strong

vinegar and water to be administered to the deceased, but it instantly came off his stomach without being mixed with the laudanum. Finding he did not get better, Mr. Glenn was sent for, who came about half-past twelve on Sunday morning. He brought his stomach-pump, but finding deceased was rational, and so many hours having elapsed since deceased had taken the poison, he did not use it. He, however, ordered him a dose of castor oil, which was administered, but did not take effect. About seven o'clock that morning deceased appeared to be so much exhausted as to be unable to stand, when he was laid on the bed, and died in about two minutes afterwards. — By a Juror.—Mr. M'Manus, while attending deceased, asked him if he did not consider he had acted very wrong in purchasing so large a quantity of laudanum, and under the pretence of its being for a lady in his house. Deceased replied, perhaps he had acted wrong, and was sorry for it. Deceased came home about a quarter past twelve o'clock on Friday night very much intoxicated, and went down into the kitchen, where he must have swallowed the poison. The bottle was a two-ounce bottle, and in witness's opinion must have been full. Deceased appeared to be very anxious to live. Mr. M'Manus did not consider the use of the stomach-pump necessary.

The evidence given by Mr. M'Manus and his assistant corroborated this; and the coroner in summing up said that he considered that the deceased, who it appeared from the evidence given by the last witnesses was intoxicated at the time he took the poison, had, when he swallowed the laudanum,

forgotten the quantity he had purchased, and added, that in his opinion the surgeon had, by the questions he had put to the deceased, used proper caution.

Verdict.—“That the deceased died from the effects of laudanum, taken while in a state of temporary derangement.”

Another inquest was held upon the body of William Henry Blake, aged nineteen years, who swallowed upwards of half an ounce of arsenic, afterwards opened a vein in the left arm, and subsequently hanged himself. John Morgan, a gardener, deposed, that he lodged at No. 24, Waterloo-street, and had known the deceased from his infancy. His parents were highly respectable, and he had two uncles in independent circumstances residing at Brighton. About a month since, the deceased went to Brighton, and he did not return until Thursday night last, after witness had retired to bed. The deceased, when out of a situation, lodged with witness, and slept in the same room. He undressed himself on the night in question, and got into bed, but immediately after was seized with a violent vomiting fit, and was obliged to get out again. He appeared very ill, but witness considered that he might have been drinking, and that the sickness was the effect of the liquor. Upon witness getting up in the morning, he (witness) asked him how he was? and he replied, “I think a little better.” Witness at that time had no idea that he had taken poison. At eight o'clock witness went to the deceased's mother's to breakfast; and upon inquiring after him, Mrs. Blake stated that she had not seen him, and was not aware that he had returned from Brighton.

She immediately went to see after him, but had not been gone above ten minutes, when she returned, and said that she had knocked several times at the bed-room door, but could get no reply, and that the door was locked. Witness then went, and after knocking and calling several times to the deceased, and receiving no answer, procured a ladder, entered the room at the window, and discovered the deceased hanging; his neckerchief was tied tightly round his neck, and fastened to the railing of the bedstead. The limbs were drawn together, and the feet within an inch of the floor. Witness cut the body down, and upon doing so found a deep incision upon the bend of the left arm, but the blood had ceased flowing. There was an earthen pan near the bed, containing about a pint of blood, and a razor belonging to witness, the end of which was stained with blood, was found upon the chimney-piece. From the appearances about the room he must have held his arm over the pan to bleed. After some consultation the jury returned a verdict “That the deceased had destroyed himself, but as to the state of mind he was in at the time there had not been evidence for them to determine on.” The Coroner granted his warrant for the interment of the body.

7. CROSSING THE CHANNEL IN A BALLOON.—The inflation commenced about 7 o'clock in the morning, and by 1 o'clock everything was in readiness. The balloon was inflated almost to its utmost dimensions. In the car were upwards of a ton of ballast, several gallons of brandy and wine, a large supply of coffee, cold fowls, ham, &c. There were also a supply of

blue lights, stars, and other fireworks, to be let down at night, if the voyage were not accomplished before dark, in order to enable the aeronauts to reconnoitre the country from their elevation, and choose the point of their descent, and a number of parachutes, to which letters were fastened, to be dropped at intervals for the purpose of apprising the public of their transit, arrival, and safety. They were, moreover, furnished with passports from the French and Dutch Embassies, and with a letter for the King of Holland from his representative in this country.

At 26 minutes after 1 o'clock the rope was let loose, and the machine mounted quickly into the air, having in the car Mr. Green, Mr. Monck Mason, and Mr. Holland. The following is an outline of their progress. "About 12 minutes before 3, crossed the Medway, leaving Rochester about six miles to the left; five minutes after 4, passed two miles to the right of Canterbury; quarter after 4, saw the sea; 12 minutes before 5, left England about one mile east of Dover Castle; ten minutes before 6, over France, two miles east of Calais. It began to be very dark about ten minutes after they were over the sea, but they did not lose sight of the lights of Dover till they were nearly over France. Ten minutes after 9, barometer 21 inches and 7-10ths; twenty minutes after 9, barometer 21 inches and 3-10ths; from twenty minutes after 9, to half-past 11 they passed over several large lighted towns, their altitude varying from a mile to two miles; there were occasional flashes of lightning. Half-past 11, they were over a populous district, lighted with numerous furnaces. Midnight by London

time, very dark, the earth being at the same time hidden from the view by an unbroken dense mass of cloud. The stars, which were bright above, showed the extent of darkness below.

"Tuesday, November 8. — 24 minutes before two o'clock, barometer at 21 inches. From half-past 2 to half-past 3, the earth again obscured by clouds. Four o'clock, the clouds having dispersed, they saw extensive plains of mist immediately on the earth, which had the appearance of water; the rustling of the forest leaves producing a sound exactly like the waves of the sea. At 5 o'clock, there was a slight appearance of daybreak. Ten minutes after 5, they were at their greatest altitude, the barometer being at 20 inches. Twenty minutes after 5, daybreak began to dim the stars on the eastern part of the horizon, the morning star shining brightly about 25 degrees above. Quarter after 6, the daybreak was beyond every thing magnificent. The balloon landed in perfect safety at a village called Weilburg, in Nassau, at half-past 6 o'clock on Tuesday morning, after a prosperous voyage of 17 hours, having traversed a space equal to about 480 English miles.

9. EDINBURGH COURT OF JUSTICIARY. — John Campbell was tried for the murder of Duncan M'Dougall, labourer in Greenock, by wilfully pulling a rope which supported a stage on which M'Dougall was standing, performing some repairs on board the ship Sarah Ann, on the 18th of March last, by which means the deceased was thrown upon the deck of a steamboat lying alongside, had his skull fractured, and died in consequence of the injury. John Armstrong, mate of the Sarah Ann, stated that

the prisoner who had been employed to scrape the vessel, was discharged by the captain for having got drunk, and M'Dougall engaged in his place. This appeared to have produced ill-will on the part of Campbell towards M'Dougall, and witness had heard them quarrelling on the morning in question, previously to the suspending of the stage. Witness ordered Campbell to go ashore and not trouble M'Dougall; Campbell in consequence withdrew to another vessel lying between the Sarah and the quay, but speedily afterwards returned and began molesting M'Dougall. Shortly afterwards when M'Dougall had commenced his operations, witness saw Campbell standing over him, and being apprehensive that he had some wicked design against M'Dougall, he came forward to the place where Campbell was standing, who then withdrew; but shortly after, on looking down on the deck of the steam-boat, he saw M'Dougall lying and bleeding very much at the nostrils. Witness turned round, and seeing Campbell sitting at the fore-hatch of the Sarah, he immediately charged him with the act, no other person except him having been near the rope at the time. Campbell made no reply.

Several other witnesses, who were near the spot, gave similar testimony.

The Jury found the prisoner *Guilty* of culpable homicide. Sentence—Transportation for 14 years.

19. MURDER AND ROBBERY AT DENNY, STIRLINGSHIRE. William Jarvie, an old man about 60 years of age, resided in an apartment of a house at Shielyards, belonging to himself, the remainder of which was rented and occupied by a per-

son of the name of Laing, whose wife attended to the old man's domestic concerns. On the day on which the murder was committed, Laing, accompanied by his wife, proceeded to a field about 300 yards distant from the house, to assist in digging potatoes for his father. While the diggers were proceeding homewards with the potatoes to Laing's father's house, after their day's work, one of the party heard a cry in the direction of Jarvie's house, but paid no attention to it, as he knew the old man was in the habit of calling loudly to his cow, and supposed he was doing so then. It was at this time only twilight. In about an hour and a half afterwards, Laing and his wife returned home from his father's. All was quite dark at this time, yet on coming forward to the house, they immediately discovered that Jarvie's apartment had been entered: and having called on him without receiving any answer, and finding a tea-tray lying at the outer door of the house, they suspected that something was wrong. Laing, however, supposing that whatever was done had been effected in Jarvie's absence, alarmed some of the neighbours, with the view of ascertaining what had been done. A light was afterwards got, when they discovered that a large heavy trunk, belonging to Laing, and which had stood in Jarvie's room, full of linen and clothes, had been carried off, and also Jarvie's watch, which had hung in the kitchen. Still there was no appearance of the old man. Aware of his regular habits, they became anxious, and proceeded to the barn and byre in search of him; where they found his body shockingly mangled, and thrust in at the root of a hedge in front of the barn.

One wound from which a portion of the brain protruded, had been inflicted on the crown of the head. Both his arms were broken, one of them in two places, and his head was literally smashed to pieces. Several dreadful injuries were also sustained in other parts of the body. It would appear that the unfortunate man had been attacked whilst going from the house to fodder his cow, as a quantity of straw, which he must have been in the act of carrying to the byre, had been found trampled down near to the body. There was found beside it a thick heavy bludgeon, covered with blood, and a quantity of the old man's grey hair adhering to it; also an iron instrument, about 15 inches long, similar to the knives for cutting brushwood. Mr. Jarvie was a small proprietor; and the object of the murderer probably was, to possess himself of some rents which the deceased might be supposed to have received on the previous Friday, which was the term day.

An investigation having taken place, a warrant was issued for the apprehension of a notorious character of the name of Alexander Millar, who was believed to be lurking in some hole at Parkfort, near Dennyloanhead. While the party were searching various places at Parkfort, Millar had been engaged in disguising himself in woman's apparel; for soon after, the alarm was given that he had been seen issuing from one of the houses in a female's dress. An immediate pursuit took place. Millar's fleetness enabled him soon to leave his pursuers behind, and make towards the Forth and Clyde Canal, which he crossed, and plunged from one plantation into another, till he arrived at the woods of Mr. Forbes,

of Callendar, near Camelon, previously disencumbering himself of his female attire as opportunity offered. Finding no security in this quarter, he endeavoured to elude his pursuers, by retracing his steps by a different route. He still kept far ahead of his pursuers, and was not unfrequently traced by his footmarks alone. It was in this way it was discovered that he had re-crossed the canal to the north side. From thence he fled to the river Carron, which he must have crossed two or three times. His situation was now become a desperate one, and he exerted himself accordingly; he sprang over ditches and fences, and till he arrived at Chacefield planting, within about a mile of the spot where he started. There he was overtaken and seized while skulking under a furze bush, apparently much exhausted. He was executed in the spring of the following year.

**FUNERAL OF THE LATE MR. SIMEON. — (CAMBRIDGE.)** — The time fixed for the commencement of the funeral was ten in the forenoon. More than an hour before that time, parties of ladies and gentlemen were seen flocking towards the gates of King's College, all habited in deep mourning, and obtaining admission by means of printed tickets which had been issued on the two preceding days. Before the appointed hour the hall of King's College was filled with members of the University. It was not until considerably past the appointed hour that the procession issued from the College-hall and Combination-room, where the mourners had assembled. The whole, as they walked closely four abreast round the spacious path that surrounds the great

quadrangle, nearly covered each side—the number exceeding perhaps 2,000. After passing behind the fellows' building, the procession entered the chapel through the western door, and proceeded at once through the choir. On each side the visitors, who were not members of the University, the greater part ladies, were arranged. The funeral service was read by the Provost. The parts appointed to be sung were chanted by the choristers of the college, and on the termination of the ceremony the "Dead March in Saul" was performed. After the ceremony a sermon was preached by the Bishop of Lincoln at St. Mary's; and the following day two others at Trinity Church, of which Mr. Simeon was the rector, —one by Dr. Dealtry, and the other by Archdeacon Hodgson.

29. HURRICANE.—The metropolis and its vicinity were visited by a gale of wind which for the time it lasted, was one of the most violent that London had experienced for several years. For some days the weather had been rough, and at intervals stormy. About eleven o'clock on Monday night there was an unusually heavy fall of rain, which continued without intermission until one. It then abated, and the wind rose. At three o'clock it began to blow a violent gale from the S.W., which continued with increasing violence until between one and two in the afternoon, when it began to abate, and about four in the afternoon it ceased altogether. Between seven in the morning and noon the wind sometimes shifted to the West, and occasionally a point to the North. On these occasions there were gusts of wind of terrific violence. Between twelve and

one o'clock the wind attained its greatest height. Along the great Western road, tiles, bricks, and chimney-pots were strewed in every direction, and persons walking along the more exposed parts of the road had the greatest difficulty in keeping their feet. In Lord Holland's Park, Kensington, a large beech tree was uprooted, and fell right across the carriage-road. In Addison-road a large tree was also blown down, and at Brook-green another large and ancient oak, which stood by the side of the footpath, was uprooted. In King-street, Hammersmith, a high stack of chimnies was blown down. In Angel-row, an old brewery was entirely unroofed. Near the corner of Chiswick-lane, a large elm-tree was blown down. At Stafford-house, nearly opposite, a high stack of chimnies was blown down. About a quarter of a mile distant, the upper part of the gable end of the Windmill public-house was carried away.

The damage in Kensington-gardens proved extensive. On the gatekeepers making a circuit of the gardens, they found, near the outer walks alone, upwards of fifty very fine elm, lime, and beech trees, torn up by the roots. By the broad gravel walk leading to the Bayswater-gate, three very tall lime trees fell directly across the path. About ten minutes before one o'clock a tremendous crash was heard in one of the plantations near the Black Pond, between Kensington Palace and the Mount-gate, and on several persons running to the spot, twenty-five limes were found levelled to the earth by a single blast, their roots reaching high into the air, with a great quantity of earth and turf adhering, while deep chasms of several

yards in diameter showed the force with which they had been torn up. Most of the other plantations suffered more or less ; and in various parts of the gardens the lower portion of about twenty large pines, elms, and limes, were shivered within from six to eight feet of their base. In all, about 130 of the larger trees were destroyed, a considerably greater number than that which perished in the hurricane of the 3rd of March, 1824. In Hyde-park the devastation was not so extensive, not more than about forty trees being torn up. On the Palace-green, Kensington, near the forcing garden, two large elms and a very fine sycamore were also laid prostrate.

In none of the suburban districts were the high winds more severely felt than in Chelsea and its neighbourhood. The property destroyed in the parish of St. Luke amounted to a very considerable sum. The sufferers were principally fishermen and watermen, whose habitations were situate on the banks of the Thames, a number of which, during the hurricane, were washed away by the high tide.

On the river the gale was extensive in its ravages ; but the greatest devastation took place in Chelsea Reach, opposite the Red House, Battersea. Several of the barges and lighters were partially or entirely dismantled, and many lost their anchors and cables, and were blown down the river. Three or four got a-ground. Not a barge, boat, or other craft, could "shoot the bridge" at Battersea. The noblemen's and gentlemen's mansions, and villas, &c., on the banks of the Thames, at Wandsworth, Fulham, Merton, Putney, Teddington, Richmond, &c., were

greatly damaged. Chelsea Hospital suffered severely, one of the buildings having lost no less than eight tons of lead from its roof. The trees and shrubs of the College and the Duke of York's school also suffered materially: The King's-road and other roads were, during the gale, rendered almost impassable from the fragments of trees and branches which were strewn in all directions.

A great number of accidents occurred at Highgate, Kentish-town, and Camden-town. The house of Mr. Bull, Fortress-terrace, was shaken as by an earthquake ; and the attic was carried completely away.

The hurricane extended with equal violence along many parts of the coast of France. At Calais the wind blew with the greatest fury, from the W.S.W. and W., sweeping everything before it. The sea was covered with wrecks which dashed upon the shore, tearing up the sand in every direction. The pier or jetty of the port could not stand against the impetuosity of the foaming element. The huge and massive stones which are linked together by strong iron bars, were shaken from their embedment, and broken asunder. The deep-driven piles of the jetty then became loosened. A sentry-box for the Douaniers, or Custom-house soldiers, was completely washed away, and about twenty-five or thirty yards of the upper part of the pier or bars, leaving only the piles standing. The ancient Fort Rouge, the saluting fort and battery on the right entrance of the harbour, and signal-staff, which is built upon strong piles, driven about forty feet into the earth, was shaken to the founda-

tion and in many parts gave way. The whole of the roof of the Corps de Garde, or signal-house, was blown off. The signal-staff was broken to pieces, and six small brass guns were totally dismounted from their carriages, and thrown to some distance by the impetuosity of the waves. In the Courgain, several of the humble dwellings were levelled to the ground, and the nets and fishing-tackle destroyed. In Calais a number of the roofs of the houses were blown off, and the *Fanal*, or light-house, had all the glass at the top, which protects the machinery, smashed to atoms. In the citadel, the upper part of the telegraph, which stood exposed to the S. E. and W., was broken to pieces, besides a great part of the roofing of the barracks, and nearly all the trees round the ramparts. At the Basseville and St. Pierre a great deal of damage was done, and for miles along the St. Omer, Dunkirk, Guinnes, Boulogne, and Paris roads, the trees were torn up by their roots, cottages in every direction levelled to the ground, and the country completely inundated. At Boulogne considerable damage was done, and in the upper town (Haute Ville) two persons were killed in the Place by the falling of a stone parapet. The top of the Colonne Napoleon had the railing blown down. The sea was covered with pieces of wrecks, consisting of masts, bulwarks, casks, and timber apparently of Danish or Russian vessels.

At Ostend the gale set in from the south-west, and within an hour it increased to a hurricane, which lasted until five o'clock. All the usual consequences of a tempest were exhibited; houses unroofed,

chimneys blown down, window-frames forced in, and a constant shower of broken glass, slates, and tiles, in all directions through the streets. Several serious accidents occurred. An officer of the garrison, and another individual, were swept over the bridge which crosses the basin, by a furious gust; the former had his leg broken, and the latter his skull fractured, and a boy, blown down the dike, was carried to the hospital. The most exciting event of the day was the arrival of the Arrow steam-packet with the mail from Dover. The greatest anxiety was felt for her safety during the early part of the storm, and when her smoke was discovered through the haze and spray, at about half-past three o'clock, a large portion of the population rushed from all parts of the town to the dike and ramparts overlooking the harbour, to watch the progress of the vessel. In about half an hour she reached the mouth of the harbour, and crossed the bar in gallant style. But just as she passed the pier, and all anxiety for her safety was at an end, a tremendous sea pooped her, another wave struck her on the quarter, and she broached-to in the narrow channel, running foul of the piles forming the newly-built western jetty, by which her bowsprit was carried away, and she was for near a quarter of an hour rendered quite unmanageable. During this period she appeared to the spectators to be in imminent danger; the waves washing over her. Her commander, Captain Smithett, was distinctly seen on various parts of the deck. Nothing could exceed the energy with which persons of every description hurried to the relief of the packet, in boats, or on foot along the eastern jetty, from

which alone she could be approached.

Neither Ireland nor Scotland was visited with this storm.

MUMMY OF AN IBIS.—At the monthly meeting of the Carlisle Literary and Philosophical Society Dr. Barnes read an interesting paper on embalming, introductory to the unrolling of the mummy of an ibis presented to the society by Miss Carlyle. The mummy was brought to this country by the father of the donor, the late Rev. J. D. Carlyle, from Alexandria, in 1800. The vase containing the mummy was of a conical form, fourteen inches long and nearly half an inch thick. The cover had been fastened on with a luting resembling mortar, supposed to be the mud of the Nile. It is a coarse earthen jar of a reddish colour, of a surprising freshness. The mummy, when taken out of the jar, looked like a mass of linen firmly bound together. The outer layers of cloth were of fine texture; the inner layers of a coarser quality. In some places about thirty thicknesses of cloth were numbered, of eight different degrees of fineness. Some of the bandages were circular, others longitudinal. Some of them appeared as fresh as new cloth, and some appeared old, much worn, and sewed in several places. Five different kinds of sewing were observed, some of which exhibited beautiful specimens of needlework, and, although perhaps 3,000 years old, would bear a comparison with needlework of the present day. There were no hieroglyphics on the urn, but two were seen on the cloth. Some of the cloth had the appearance of tinder, having been burnt in the process of embalming. The cloth was of a yellowish colour, and was in four or five distinct

layers, each layer consisting of several folds glued together. The external cloth was firmly bound and tied round with strong linen thread, crossing in various directions. The next layer or stratum was bound up with a strip of linen, made into a roll, and having either a hem or selvage the whole length. This band was crossed in various places in a singular and beautiful manner. To the inmost cloth, which was the largest, there were a great number of white feathers adhering. Many of the feathers fell to pieces as soon as exposed to the air.

RELIGIOUS ENTHUSIASM IN PRUSSIA.—The legal tribunals of Berlin have been lately occupied with a case perhaps as extraordinary as ever came within the cognizance of a court of justice. Some months ago a mystical sect, called by the populace the Mückers (the Sullens), was discovered at Königsberg. Many of the adepts of this saturnine coterie belong to the provincial aristocracy, and some of them are members of the Protestant clergy. Their creed consists principally in the belief that the spirit is free, and can be merely tempted, not vanquished, by the flesh; and consequently, that its purity is in proportion to its ability to resist, not renounce, the devil and all his works. Unfortunately, the professors of this doctrine, to prove that their practice was in strict conformity to their precepts, voluntarily exposed themselves to temptations of a nature too gross to be recorded. One of their late aberrations consisted in the notion, that a new Redeemer was necessary to save the world, and that the Holy Spirit must again become flesh, and effect another miraculous conception, could a female be found sufficiently

pure to personate the Virgin Mary. In consequence of this reasoning, the Mückers recently proceeded to select, by lot, the female on whom was to devolve the office of contributing towards the redemption of sinful mankind, and also the male member of the sect who was to play the part of Joseph, the husband of Mary. The part of the Virgin fell to the lot of an elderly Countess, and that of Joseph to a broad-shouldered Major of Dragoons. For reasons on which it is needless to dwell too minutely, it became necessary to modify the arrangement as far as regarded the lady, and to select a new virgin; the personification of whom devolved this time upon a young baroness, sixteen years of age, who, however, formally refused to supplant her venerable predecessor. The sect attempted to employ force, but the youthful countess finally succeeded in escaping to the residence of her brother. He having denounced the true believers to the authorities, they arrested two ecclesiastics and several other Mückers, and employed the necessary legal measures to dissolve the sect.

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#### DECEMBER.

3. RAILWAY ACCIDENT.—An accident occurred on the Newcastle and Carlisle railway, by which three persons lost their lives and a great deal of property was damaged. At Wetheral the railway crosses the river Eden by a bridge, where a station is placed, at which the trains always stop. About 300 yards further on, the railway crosses the valley of Corby-beck by a viaduct; and at the western extremity of this is a short branch leading to some coal staiths belong-

ing to the Earl of Carlisle. To enable the waggons to reach this, staith points or switches are placed upon the main line of rails, which are turned to the branch line, and *vice versa*, by means of an eccentric lever. After the waggons have been taken from the main to the branch line, it is the duty of the persons having the care of the staiths to turn the points to the main line, and fasten the rails in that position by blocks on the north side. The train from Newcastle was proceeding to Carlisle, drawn by the Samson locomotive engine, about four in the afternoon, with twenty-six passengers, and a heavy load of goods. About half a mile before reaching Corby-bridge the steam was let off, and the train was descending the inclined plain. On reaching the bridge, Simpson, the engine-man, saw the points were set for the staith instead of the main line. The alarm was given, and the motion of the engine was reversed. Both the engine-man and the fireman had just time to leap off. The reversing of the motion of the engine was not sufficient to stop it, as it was upon a considerable descent. In an instant the engine and train ran upon the branch rails and right forward to the staith. Six empty coal-waggons, which were standing there, were struck and driven off the rail. At the same moment the stone pillars of the coal-cells, supporting the rails, gave way, and the engine fell to the ground, a depth of eight feet, carrying with it the whole of the framework of the staith. The tender fell in the same way. Attached to the tender was a horse-truck laden with corn; this also fell to the ground, but came upon its wheels. Following this was a truck laden with goods and a cart.

The truck was also turned over, and fell upon the grain-truck. The carriages with the passengers were arrested just on the brink of the falling ruins. One of these carriages was a good deal injured, but the passengers, with a single exception, escaped without any injury: one of them had his hand jammed between broken timbers. When the engine first took the wrong direction, one man was on the staith, and had not time to get out of the way: he was thrown down, and so much bruised that he died the next morning. On further examination being made, two boys, named Matthew Potts and John Kelsay, aged fourteen and sixteen, were found crushed to death between the grain and the truck which had fallen upon it: they had got upon the train, unknown to anybody. The head of the elder youth was crushed quite flat.

An inquest was held upon the bodies of the three unfortunate persons two days afterwards. A great number of witnesses were examined, and the investigation lasted the whole of the day. At the conclusion of the evidence, the jury came to the following verdict:—"We find that Henry Johnston, Matthew Potts, and John Kelsay came by their deaths accidentally, by reason of the locomotive steam-engine called the Samson, and the carriages by which she was followed, running from the proper line of road, and breaking down a staith at Great Corby, such deviation from the right line being caused by the misplacing of certain points or switches at the west end of Corby-bridge; and that a deodand of 15*l.* be levied upon the steam-engines and carriages; and that this jury cannot separate without expressing its disapprobation of the

conduct of the railway company in not placing their own responsible servants at every turn where such switches are placed, or insisting upon Lord Carlisle, and all others having private dépôts, giving such security for proper attention to the switches leading to such dépôts as will give the most perfect security attainable in such a mode of travelling to those whose lives are committed to their charge."

5. The river Seine began to overflow its banks and rose in the most alarming manner in the Place de la Grève, and the Rue de la Mortellerie. The ground floors of all the houses of the Quai de la Grève were two feet under water, and the inhabitants of the Rue de la Boucherie and the Rue des Vierges were driven from their dwellings. All passage along the quay was stopped, from the Rue Geoffroy Lasmier to the Place de l'Hotel de Ville, and all the small adjacent streets. Barriers were erected at the two ends of the Rue de l'Hotel de Ville, at the entrances into the Place, and at the foot of the Pont Louis Philippe, to prevent vehicles from going along. The flood invaded the Rue Traversière, as high up as No. 26, and the Rue Villiot, as far as the corner of the Rue de Bercy. These streets were traversed only by boats and flying bridges. At night the Quai St. Paul was free, but on the morning of the 6th it was invaded by the torrent, and became passable only by means of planks. The guard-house at the Port au Platre was overflowed, and the guard was obliged to retire. The Port au Vin was covered with water, and there was no possibility of going from the Garden of Plants to the Rue des Fossés St. Bernard. At Bercy, all the wine stores were

inundated, and the houses bordering on the quay were deserted and closed. The restaurant called the Marronniers, and other similar establishments were embanked to exclude the water. The habitation of a fisherman near the bridge at Ivry was swept away by the torrents; one of his children was drowned; he himself had both his thighs broken by the fall of a beam, and would have perished, had not relief come at the moment it did. Down the river the piles of the Pont des Arts were covered above their capitals; a part of Gros Caillou was also under water. The river became a frightful torrent, upon which not a single boat ventured. The surface of the river was covered with bundles of hay and straw, quantities of thatch-wood, planks and casks, mingled with dead fowls, and the carcass of a horse. All the wooden buildings on the wharfs, used by the collectors and officers of the customs, were either submerged or carried away from the wharfs. The water came up the sewers as high as the Rue Montmartre. The catacombs were also filled beyond the Luxemburg. The force of the stream carried away enormous pieces of the wooden framework which supports the water-engine on the Pont Notre Dame. Above and below Paris the country resembled immense lakes, the borders of which were lost in the distance. At all points the Seine had broken its boundaries, and threatened to spread still more widely over the adjoining lands. About thirty leagues up the river, the water was further increased by a rise of seven feet.

11. **DESTRUCTION OF LOUGHTON-HALL, ESSEX, BY FIRE**—Loughton-hall, the seat of Mr. William

Whittaker Maitland, the High Sheriff for the county of Essex, was, with the exception of a portion of the eastern wing, totally destroyed by fire, and property to the amount of between 20,000*l.* and 30,000*l.* consumed. About five o'clock in the morning one of the female domestics observed a dense body of smoke in the west wing of the building, and knowing there was no fire in that part of the mansion, she became alarmed, and immediately communicated her suspicions to the family. Some of the servants proceeded to the library, and on opening the door, discovered it to be in flames. In a few seconds the whole of the wing was one body of fire, fifty rooms were destroyed and damaged. Amongst the property burnt were upwards of 10,000 volumes of valuable books, comprising a quantity of scarce works, many of them unique; and, with a few exceptions, the whole of the valuable furniture was also destroyed. In the cellars were between 7,000 and 8,000 dozens of wine, which were destroyed.

14. **OPENING OF THE LONDON AND GREENWICH RAILWAY.**—The completion of this undertaking, as far as Deptford, was celebrated, the Lord Mayor and several other of the civic authorities attending. The bridge end of the railroad was decorated with flags and banners bearing various devices. An awning with three tiers of seats was erected at each side of the road at the bridge end, for the accommodation of those who waited for admission to the carriage trains, and for those who came merely as spectators, to see the trains go off and return. Under one part of the awning a military band continued to play

several national airs. The ticket-bearers, as they arrived, took their stations near the carriages or under the awnings at either side, so as at last to form a very dense crowd. At half past one the Lord Mayor and his suite arrived, and in about ten minutes afterwards the first train, with the carriages containing his Lordship and several other members of the corporation, the directors, and their friends, &c., started. In a few minutes after, the second train set forward, and the others (five in all) followed. The rate at which the carriages proceeded in their way downwards could not be fairly taken as a test of their general speed, as each train had a stoppage of two or three minutes at intervals. The greatest rate of going of any of the engines did not much exceed twenty miles an hour, but the mean rate was not more than sixteen miles an hour.

## APPENDIX TO CHRONICLE.

### LIST OF THE KING'S MINISTERS.

Viscount Melbourne .....	<i>First Lord of the Treasury.</i>
Right. hon. Thomas Spring Rice .....	<i>Chancellor of the Exchequer</i>
Lord Cottenham .....	<i>Lord Chancellor.</i>
Marquis of Lansdowne .....	<i>President of the Council.</i>
Viscount Duncannon .....	<i>{ Lord Privy-Seal, and First Commis-</i>
	<i>missioner of Land Revenue</i>
Lord John Russell .....	<i>Secretary of State for the Home Depart.</i>
Viscount Palmerston .....	<i>Secretary of State for Foreign Affairs.</i>
Lord Glenelg .....	<i>Secretary of State for the Colonies.</i>
Earl of Minto .....	<i>First Lord of the Admiralty.</i>
Right hon. Sir John Cairn Hobhouse .....	<i>President of the Board of Control</i>
Right hon. C. Poulett Thomson .....	<i>President of the Board of Trade.</i>
Lord Holland .....	<i>Chancellor of the Duchy of Lancaster.</i>
Viscount Howick.....	<i>Secretary at War.</i>

*The above form the CABINET.*

Earl of Lichfield .....	<i>Postmaster-General.</i>
Marquis of Conyngham .....	<i>Lord Chamberlain.</i>
Duke of Argyll .....	<i>Lord Steward.</i>
Earl of Albemarle .....	<i>Master of the Horse.</i>
Marquis of Winchester .....	<i>Groom of the Stole.</i>
Right hon. Sir Henry Parnell .....	<i>{ Paymaster-General and Treasurer</i>
	<i>{ of the Navy.</i>
Right hon. Henry Labouchere .....	<i>{ Master of the Mint, and Vice-Presi-</i>
	<i>{ dent of the Board of Trade.</i>
Right hon. Sir Richard H. Vivian, bt. ....	<i>Master-General of the Ordnance.</i>
Lord Morpeth .....	<i>Chief Secretary for Ireland.</i>
Sir John Campbell .....	<i>Attorney-General.</i>
Sir Robert M. Rolfe .....	<i>Solicitor-General.</i>

### IRELAND.

Earl of Mulgrave .....	<i>Lord Lieutenant.</i>
Lord Plunkett .....	<i>Lord Chancellor.</i>
Sir Edward Blakeney .....	<i>Commander of the Forces.</i>
John Richards, esq.....	<i>Attorney General,</i>
Stephen Wolfe, esq.....	<i>Solicitor General.</i>

## APPENDIX TO CHRONICLE. 163

*In the 77th Volume, for the Year 1835, the List of Sheriffs for 1834—5 was repeated by mistake instead of the following:—*

### SHERIFFS FOR THE YEAR 1835—6.

<i>Bedfordshire</i> .....	Joseph Morris, of Amptill, Esq.
<i>Berkshire</i> .....	Charles Eyre, of Welford Park, Esq.
<i>Bucks</i> .....	George Simon Harcourt, of Ankerwyke House, Esq.
<i>Cambridge and Huntingdonshire</i> }	Richard Huddleston, of Swanston, Esq.
<i>Cheshire</i> .....	Gibbs Craufurd Antrobus, of Eaton, Esq.
<i>Cornwall</i> .....	Joseph Sawle Graves Sawle, of Penrice, Esq.
<i>Cumberland</i> .....	Henry Howard, of Greystoke Castle, Esq.
<i>Derbyshire</i> .....	William Palmer Morewood, of Alfreton Hall, Esq.
<i>Devonshire</i> .....	Edmund Pollexfen Bastard, of Kitley, Esq.
<i>Dorsetshire</i> .....	Edward Doughty, of Upton, Esq.
<i>Essex</i> .....	John Round, of Danbury Park, Esq.
<i>Gloucestershire</i> .....	Harry Edmund Waller, of Farmington, Esq.
<i>Hampshire</i> .....	Sir Samuel Raymond Jarvis, of Fair Oak Park.
<i>Herefordshire</i> .....	Sir Samuel Rush Meyrick, of Goodrich Court, Knt.
<i>Hertfordshire</i> .....	William Robert Phillimore, of Newberries, Esq.
<i>Kent</i> .....	George Stone, of Chislehurst, Esq.
<i>Leicestershire</i> .....	Henry Greene, of Rolleston, Esq.
<i>Lincolnshire</i> .....	Christopher Turner, of Stoke Rochford, Esq.
<i>Monmouthshire</i> .....	John Buckle, of Matherne, Esq.
<i>Norfolk</i> .....	Robert Marsham, of Stratton Strawless, Esq.
<i>Northamptonshire</i> ....	William Wood, of Brixworth, Esq.
<i>Northumberland</i> ....	William Roddam, of Roddam, Esq.
<i>Nottinghamshire</i> ....	Slingsby Duncombe, of Langford, Esq.
<i>Oxfordshire</i> .....	William Francis L. Stone, of Brightwell House, Esq.
<i>Rutlandshire</i> .....	Edward Watson Smyth, of Gunthorpe, Esq.
<i>Shropshire</i> .....	Hon. Henry Wentworth Powis, of Berwick House.
<i>Somersetshire</i> .....	Francis Popham, of West Bagborough, Esq.
<i>Staffordshire</i> .....	Hugh Henshall Williamson, of Greenway Bank, Esq.
<i>Suffolk</i> .....	John Garden, of Redisham, Esq.
<i>Surrey</i> .....	George Thomas Nicholson, of Waverley Abbey, Esq.
<i>Sussex</i> .....	Hon. Robert Curzon, of Parham, Esq.
<i>Warwickshire</i> .....	Fran. Lyttleton H. Goodriche, of Studley Castle, Esq.
<i>Wiltshire</i> .....	Thomas Bolton, of Brickworth, Esq.
<i>Worcestershire</i> .....	John Howard Galton, of Hadsor-House, Esq.
<i>Yorkshire</i> .....	Henry Preston, of Moreby, Esq.

#### SOUTH-WALES.

<i>Breconshire</i> .....	William Richard Stretton, of Dany Park, Esq.
<i>Cardiganshire</i> .....	Charles Richard Longcroft, of Llanina, Esq.
<i>Carmarthenshire</i> ....	Thomas Morris, of Llanstephan Castle, Esq.
<i>Glamorganshire</i> .....	Henry John Grant, of Gnoll Castle, Esq.
<i>Pembrokeshire</i> .....	John Barham, of Trecoon, Esq.
<i>Radnorshire</i> .....	Guy Parsons, of Bettws Disserth, Esq.

#### NORTH-WALES.

<i>Angleseyshire</i> .....	James King, of Presaddfed, Esq.
<i>Carnarvonshire</i> .....	Richard Lloyd Edwards, of Nanhoron, Esq.
<i>Denbighshire</i> .....	Francis Richard Price, of Brin-y-pys, Esq.
<i>Flintshire</i> .....	Frederick Charles Philips, of Rhual, Esq.
<i>Merionethshire</i> .....	Charles Gray Harford, of Brintirion, Esq.
<i>Montgomeryshire</i> ....	William Morris of Pentre Nant, Esq.

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## SHERIFFS FOR THE YEAR 1836—7,

<i>Bedfordshire</i> .....	Francis Green, of Bedford, Esq.
<i>Berkshire</i> .....	William Bennett, of Faringdon-House, Esq.
<i>Bucks</i> .....	Thomas Tyrwhite Drake, of Shardlowes, Esq.
<i>Cambridge and Huntingdonshire</i> .....	George Thornhill, of Diddington, Esq.
<i>Cheshire</i> .....	Egerton Leigh, of High-Leigh, Esq.
<i>Cornwall</i> .....	Arthur Kelly, of Kelly, Esq.
<i>Cumberland</i> .....	Thomas Irwin, of Calder Abbey, Esq.
<i>Derbyshire</i> .....	William Pole Thornhill, of Stanton, Esq.
<i>Devonshire</i> .....	Robert Robertson, of Membland, Esq.
<i>Dorsetshire</i> .....	John Stein, of Chalmington, Esq.
<i>Durham</i> .....	William Lloyd Wharton, of Dryburn, Esq.
<i>Essex</i> .....	William Whitaker Maitland, of Loughton-Hall, Esq.
<i>Gloucestershire</i> .....	Samuel Gist Gist, of Wormington Grange, Esq.
<i>Hampshire</i> .....	Sir Charles Hulse, of Breamore, Bart.
<i>Herefordshire</i> .....	Edward Griffiths, of Newcourt, Esq.
<i>Hertfordshire</i> .....	William Blake, of Danesbury, Esq.
<i>Kent</i> .....	Sir Edward Cholmely Dering, of Surrendon, Bart.
<i>Leicestershire</i> .....	Sir L. Talmash (Lord Huntingtower), of Buckminster.
<i>Lincolnshire</i> .....	Sir Montague John Colmeley, of Easton Hall, Bart.
<i>Monmouthshire</i> .....	George Rooke, of Llandogo, Esq.
<i>Norfolk</i> .....	Anthony Hammond, of Westacre, Esq.
<i>Northamptonshire</i> .....	William Harris, of Wotton House, Esq.
<i>Northumberland</i> .....	Thomas Riddell, of Felton Park, Esq.
<i>Nottinghamshire</i> .....	John Handley, of Muskham Grange, Esq.
<i>Oxfordshire</i> .....	Thomas Stonor, of Stonor, Esq.
<i>Rutlandshire</i> .....	Richard Wade, of Uppingham, Esq.
<i>Shropshire</i> .....	Sir William Edw. Rouse Boughton, of Downton, Bt.
<i>Somersetshire</i> .....	James Bennet, of North Cadbury, Esq.
<i>Staffordshire</i> .....	Thomas Hawe Parker, of Park Hall, Esq.
<i>Suffolk</i> .....	Edward Bliss, of Brandon, Esq.
<i>Surrey</i> .....	William Henry Cooper, of Pains Hill, Esq.
<i>Sussex</i> .....	John James King, of Coates, Esq.
<i>Warwickshire</i> .....	Henry Thomas Chamberlayne, of Stoney Thorpe, Esq.
<i>Wiltshire</i> .....	Sir John Dugdale Astley, of Everleigh, Bart.
<i>Worcestershire</i> .....	Sir Offley Penbury Wakeman, of Perdiswell, Bart.
<i>Yorkshire</i> .....	Nicholas Edmund Yarbrough, of Heslington, Hall, Esq.

### SOUTH-WALES.

<i>Breconshire</i> .....	John Lloyd Vaughan Watkins, of Pennoyre, Esq.
<i>Cardiganshire</i> .....	George Bowen Jordan Jordan, of Pigeonsford, Esq.
<i>Glamarthenshire</i> .....	Richard Janion Neville, of Llanelly, Esq.
<i>Glamorganshire</i> .....	Thomas Penrice, of Kilvrough, Esq.
<i>Pembrokeshire</i> .....	C. Wheeler Townsend Webb Bowen of Camrose, Esq.
<i>Radnorshire</i> .....	James Williams Morgan, of Treble Hill, Esq.

### NORTH-WALES.

<i>Angleseyshire</i> .....	Richard Lloyd Edwards, of Monachdu, Esq.
<i>Carnarvonshire</i> .....	Thomas Parry Jones Parry, of Aberdunont, Esq.
<i>Denbighshire</i> .....	John Robin, of Tany-graig, Esq.
<i>Flintshire</i> .....	Sir John Williams, of Bodlewyddan, Bart.
<i>Merionethshire</i> .....	John Elliker Boulcott, of Hendreissa, Esq.
<i>Montgomeryshire</i> .....	James Proud Johnson, of Monksfield, Esq.

## BIRTHS.

1835.

## NOVEMBER.

13. At Heanton Sackville, the rt. hon. lady Clinton, a son.

23. At Wellesbourne, the lady Charles Paulet, a daughter.

25. At Mereworth Rectory, Kent, the hon. lady Stapleton, a son.

27. At sir J. Whitshed's, Holbrook Farm, the hon. Mrs. Whitshed, a daughter.

— At Little Spardeloes, Amersham, the wife of col. W. J. Drake, a son.

## DECEMBER.

10. The wife of sir Thomas Sabine Pasley, a son.

12. In Grosvenor-sq., lady Emily Pusey, a son and heir.

— In Godmersham Park, lady Geo. Hill, a daughter.

16. The countess Clanwilliam, a son.

17. At the Vicarage, Meriden, the wife of the hon. and rev. W. Somerville, a son.

— At Leigh House, the lady of sir Thomas Fellowes, a daughter.

23. At the Oaks, Surrey, the lady of the rt. hon. sir C. E. Grey, a daughter.

25. At the earl of Derby's, Grosvenor-sq., the right hon. lady Stanley, a daughter.

27. In Wyndham-place, the rt. hon. lady Charles Churchill, a son.

*Lately.* The lady of sir Ed. Knatchbull, bart., a son.

1836.

## JANUARY.

4. At Brookland-park, Hants, the wife of lieut.-col. O'Meara, a son.

6. At Maidstone, the lady of sir Keith A. Jackson, bart., a son.

7. At Leamington, the wife of col. Talbot, a daughter.

10. The lady Alicia Peel, a daughter.

11. In Upper Sackville-st., Dublin, the lady of sir J. P. Orde, bart., a daughter.

— At the house of her father, the

earl of Liverpool, the viscountess Milton, relict of the late viscount Milton, a daughter.

17. At Leamington, the lady of sir E. Blount, baronet, a daughter.

20. At West Wickham, Kent, lady Anna Maria Courtenay, a son.

— In Grosvenor-sq., the countess of Danneskiold Samsøe, a daughter.

23. In Upper Gloucester-st., Dublin, the lady Adelaide Webber, a son.

29. At Gloucester-place, the wife of J. P. Rooper, esq., M.P., a son.

## FEBRUARY.

3. At Oulton Park, Cheshire, lady Grey Egerton, a daughter.

6. In Wilton-crescent, the lady John Russell, a daughter.

8. At Detchley Park, the viscountess Dillon, a daughter.

— The wife of J. Wilson, Patten, esq., M.P. a son and heir.

9. At South End, near Darlington, the wife of Joseph Pease, esq., M.P., a son.

14. At Warter Priory, Pocklington, Yorkshire, the rt. hon. lady Muncaster, a daughter.

— At Atholl-crescent, Edinburgh, the hon. lady Menzies, a daughter.

— At Kingston House, Dorset, the lady of the late lord Suffield, a son.

15. At Stoke College, the wife of J. P. Elwes, esq., M.P., a daughter.

— The rt. hon. viscountess Forbes, a son.

25. The wife of J. Lee Lee, esq., M.P., a son and heir.

27. At Milborne Port, the lady of sir W. C. Medlycott, baronet, a daughter.

29. At Holderness House, the marchioness of Londonderry, a son.

## MARCH.

2. At Itchen Stoke, the wife of the hon. F. Baring, a daughter.

3. In Portland-place, the wife of sir Michael Shaw Stewart, a son.

4. At Norwood, the wife of major-gen. Tolly, a daughter.

13. At North Church, Herts, the wife of the rev. sir J. H. Seymour, bart., a son.

16. At Glanbrane Park, Carmarthenshire, the wife of col. Gwynne, a daughter.

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## BIRTHS.

20. In Park-crescent, the lady of the hon. Baron Alderson, a son.  
— At the dowager lady Arundell's, 111 Dover-st., the hon. Mrs. Neave, a son.
23. In York-place, Portman-square, the lady Harriet Searle, a daughter.  
— At her mother's, the viscountess Glentworth, Clifton, the hon. Emily Gray, a daughter.
26. In Lower Brook-st., viscountess Holmesdale, a son and heir.
27. The hon. Mrs. Craven, a son.
30. At Fulham, Mrs. Blomfield, the wife of the lord bishop of London, a daughter.
5. In Manchester-square, the wife of Winthrop M. Praed, esq., M. P., a daughter.
5. At Cougham Lodge, Norfolk, the wife of sir Edw. Parry, R.N., a daughter.
7. In Grosvenor-square, London, the lady Courtenay, a son.  
— In Portland-place, the hon. Mrs. Kenyon, a daughter.
10. The lady of the hon. and rev. Samuel Best, a daughter.
13. In Hanover-square, lady Norreys, a son and heir.  
— In Hill-street, the viscountess Encombe, a daughter.
14. At Aspedon rectory, the wife of the hon. and rev. Grantham Yorke, a daughter.  
— At Jamaica, the wife of the rev. Dr. Luxmore, bishop of Jamaica, a son.
16. At Norton Conyers, Yorkshire, lady Graham, a son.
18. At Orchard House, Northumberland, the hon. Mrs. Coulson, a son.
19. In St. James's-sq., the rt. hon. Augusta Ada Lady King, daughter of lord Byron, a son and heir.
24. At the earl of Harewood's, Hanover-sq., the lady Louisa Cavendish, a son.
27. At Woolmers, Herts, the lady Susan Hotham, a son.
28. At Brighton, the hon. Mrs. Anderson, a daughter.
29. In Weymouth-street, the lady Helena Cooke, a son.

## APRIL.

1. At Wilton-crescent, the lady Vernon, a son.
2. At Walthamstow, the wife of the hon. George Massey, a daughter.  
— At East Horsley, the hon. Mrs. A. Perceval, a son.
12. The lady Caroline Calcraft, a son.
13. In Grosvenor-place, the lady Graham, a son.  
— At Stanmer Park, the countess of Chichester, a daughter.
21. At Shellbrooke Park, the lady Louisa Cator, a son.
23. At Wimpole, the countess of Hardwicke, a son and heir.
26. At Poet's Corner, the hon. Mrs. Edward Grey, wife of the bishop of Hereford, a daughter.
28. In Grosvenor-place, lady Mor-daunt, a son and heir.  
*Lately.* At Hooton, Cheshire, lady Williams Bulkeley, a son.  
— At Rome, in the Palazzo, Borg-hese, the princess of Sulmona, daughter of the earl of Shrewsbury, a princess.  
— In Brooke-street, the wife of the hon. George Keppel, a daughter.  
— The wife of James Morrison, esq., M.P., Upper Harley-street, a son.

## MAY.

2. In Park-street, lady Arthur Lennox, a son.
3. In Grosvenor-sq., lady Sandon, a son.
4. In Portland-place, the lady of the hon. R. Bootle Wilbraham, M.P., a daughter.

## JUNE.

4. At Gibraltar, the lady of lt.-col. Augustus Ellis, 60th Rifles, a daughter.
8. At Adlestrop, Gloucestershire, the hon. Mrs. Twisleton, a son.
9. The lady of sir W. Geary, bart., M.P., a daughter.
11. At Ribston Hall, Yorkshire, the hon. Mrs. Arthur Lascelles, a daughter.
12. The countess of Guildford, a daughter.
13. In St. James's-place, lady Free-mantle, a son.
15. At Walton Rectory, Somerset-shire, the lady John Thynne, a son.
18. At Taplow Court, the countess of Orkney, a daughter.
21. At Beckett House, the viscountess Barrington, a daughter.
26. In Grosvenor-place, the countess of Lisburne, a son and heir.

## BIRTHS.

26. In Connaught-square, lady Bethune, a daughter.

*Lately.* At the Rectory, Corfe Castle, the lady Frances Bankes, a son.

— At his lordship's house, in Charles-street, Berkeley-square, the countess of Craven, a daughter.

— At Paris, the hon. princess Louisa de la Tremville, daughter of the hon. col. Murray, of Frimley, near Bagshot, of twin daughters.

— In Park-st., Grosvenor-sq., the lady Jemima Wykeham Martin, a son.

— At Denby Grange, Yorkshire, the lady of sir John L. L. Kaye, bart., of twins.

## JULY.

1. At Harrow, the wife of Andrew Lawson, esq., M.P., a son.

4. At Skreens, the wife of T. W. Bramston, esq., M.P., a son.

11. At East Sutton-place, Kent, the lady of sir Edmund Filmer, bart. a daughter.

— In Clifford-street, London, the rt. hon. lady Janet Walrond, a daughter.

12. In Upper Brook-st., the hon. Mrs. Edward Curzon, a son.

13. In Berkeley-square, the lady of T. P. Williams, esq., M.P., a son and heir.

— Lady Mary Viner, a son.

14. At Broom Cottage, Fulham, the hon. Mrs. Dawson Damer, a daughter.

— At Vienna, lady Townsend Farquhar, a son.

18. At Richmond House, Twickenham, the rt. hon. lady Louth, a daughter.

24. At 49, Upper Brook-st., lady Ashley, a son.

29. In Leamington, the wife of the hon. capt. Somerville, R.N., a daughter.

— At Brighton, the wife of William Holme Sumner, esq., a son.

31. At Maristow, Devon, the lady of sir Ralph Lopez, bart. M.P., a son.

*Lately.* In Great George-st., Westminster, the wife of Dr. Lushington, M.P., a daughter.

— In Grosvenor-square, the wife of Richard Brinsley Sheridan, a daughter.

## AUGUST.

1. At Merstham, lady Jolliffe, a son.

2. In Montagu-place, Mrs. General Barton, a daughter.

3. At Eden Hall, lady Musgrave, a daughter.

— In Belgrave-st., Belgrave-sq., the countess of Pomfret, a daughter.

7. At Studley Castle, the lady of sir Francis Goodricke, bart., M.P., a son and heir.

11. In Park-lane, the countess of Lincoln, a son.

— At Scotton Hall, Norfolk, the lady of sir H. Durrant, baronet, a daughter.

12. The wife of the dean of Hereford, a son.

— At Scraftoft Hall, Leicester, lady Angelica Pearson, a daughter.

14. At Henney rectory, the hon. Mrs. Charles Dundas, a daughter.

— In Belgrave-sq., the hon. Mrs. Sanderson, a son.

15. In Berkeley-sq., the hon. lady Stirling, a daughter.

16. At Brighton, the marchioness of Abercorn, a daughter.

19. At Sandon Hall, Staffordshire, the lady Louisa Fortescue, a daughter.

20. At Brafield House, Bucks, lady Vere Cameron, a daughter.

22. At Pengelly House, Cheshunt, the wife of the hon. Charles Lennox Buller, a son and heir.

30. At Ramsgate, the wife of the rev. Dr. Longley, a daughter.

— In Portman-sq., the lady of sir M. H. H. Beach, bart., a son and heir.

*Lately.* In Grosvenor-place, the hon. Mrs. Rushout Cockerell, a daughter.

— At the earl of Guildford's, Waldershare Park, the hon. Mrs. Garnier, a son.

— At Calke Abbey, near Derby, the lady of sir George Crewe, baronet, M.P., a son.

## SEPTEMBER.

1. In Park-crescent, the baroness de Lagos, a son.

7. At Edinburgh, the countess of Morton, a daughter.

8. At Cotswold House, Gloucestershire, lady Louisa Hugh-an, a daughter.

11. At Claverton Park, the wife of P. Borthwick, esq., M.P., of a son.

— At Oxford, the wife of the rev. Dr. Buckland, a daughter.

— The hon. Mrs. Rice Trevor, a daughter.

12. At Ruperra Castle, the wife of Charles Morgan, esq., M.P., a daughter.

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## BIRTHS.

13. At Normanby, lady Sheffield, a son.

— At Nocton, Lincolnshire, the wife of the hon. Dr. Hobart, dean of Windsor, a son.

18. At Scarborough, the wife of T. W. Beaumont, esq., M.P., a son.

25. At Clarendon Park, lady Hervey Bathurst, a daughter.

28. The wife of the hon. and rev. W. Scott, a daughter.

30. At Linton Springs, Yorkshire, the lady of the hon. lieut.-col. Douglas, a son.

*Lately.* In Gloucester-place, Portman square, the lady of count George S. Metaxa, a son.

— At Powerscourt, the lady of viscount Powerscourt, a son and heir.

— At Great Malvern, the wife of lieut.-col. Ph. Wodehouse, a son.

## OCTOBER.

3. In Curzon-st., the lady Ernest Brudenell Bruce, a daughter.

— At Downton House, Radnorshire, the lady of sir W. S. R. Cockburn, baronet, a son.

5. The lady Susan Doyle, a son.

10. The countess of Kinnoull, a son.

14. At Galloway House, Scotland, the countess of Galloway, a son.

15. In Duke-st., Westminster, the lady of sir W. W. Follet, M.P., a son and heir.

18. At Aldenham, Herts, the hon. Mrs. Charles Boulton, a daughter.

19. The wife of J. More Molyneux, esq., of Loseley Park, a daughter.

20. At Leeds Castle, the wife of the rev. Fiennes Wykeham Martin, a daughter.

24. At Northbrook House, Hants, the rt. hon. lady Maria Saunderson, a son.

27. In Guildford-st., lady Pollock, a daughter.

*Lately.* At Holywell House, Hants, lady Henry Thynne, a daughter.

## NOVEMBER.

1. In Charles-st., Berkeley-square, the lady of Charles Douglas Halford, esq., a daughter.

— At Ganton Hall, near Scarborough, the lady of sir Thomas D. Legard, baronet, a daughter.

7. At Kemp Town, Brighton, the lady Jane Knox, a son.

9. At Brighton, lady Augusta Seymour, a son.

12. Lady Fanny, wife of Owen Blayney Cole, esq., a daughter.

21. At Buckland, Farringdon, the countess of Carnarvon, a son.

— At Drove, the wife of col. George Wyndham, a daughter.

— At Shelford, at the house of her father, lieut.-gen. sir Charles Wale, K.C.B., the lady of Sherlock Willis, esq., a son.

24. In Eaton-place, the countess of Denbigh, a daughter.

29. At Heanton Satchville, Devon, the right hon. lady Clinton, a daughter.

## DECEMBER.

1. In Bryanstone-square, the lady Emma Portman, a son.

3. In South Audley-street, the lady ouisa Finch, a daughter.

— At Plumstead Hall, Norfolk, the wife of Henry Stracy, esq., a daughter

— At Paris, the lady of the rt. hon. R. Cutlar Fergusson a son and heir.

— At Yeovilton rectory, Somersetshire, the hon. Mrs. Towry Law, a son.

## MARRIAGES.

1835.

## NOVEMBER.

18. At Doncaster, B. H. Wiggins, esq., to Miss Caroline Cochrane, dau. of the hon. Mrs. Cochrane, of Netherhall, Yorkshire.

— T. Roe, esq. major E. I. C. to Lucy, dau. of the late W. Roe, esq., of Liverpool.

19. At Weston House, Wilts, Thos. Drummond, esq., under secretary for Ireland; to Miss Kinnaird, of Fredley, Surrey.

20. At Dunmkill House, co. Fife, John Murray Drummond, esq., late Gren. Guards, eldest son of Rear-Admiral Drummond, of Megginch Castle, co. Ferth, to Frances Jemima Oswald, fourth dau. of lieut.-gen. Sir John Oswald.

## MARRIAGES.

25. At Rooss, near Beverley, Edw. York, esq., to Penelope, dau. of the rev. Christopher Sykes.

28. At St. George's, Hanover-sq., capt. J. Sidney Doyle, second son of major-gen. Sir Charles Doyle, to the Lady Susan North, dau. of the late Earl of Guilford.

1836.

## JANUARY.

## DECEMBER.

3. At Merton, Norfolk, B. N. Garnier, esq., son of Lady Harriet, to Henrietta Maria de Grey, dau. of Lord Walsingham.

— At the British Embassy, Paris, sir Charles Payne, bart. late of Tempsford Hall, to Maria Creighton, dau. of the late major R. M'Crea.

10. At Brighton, the hon. John Boyle, eldest son of the earl of Cork and Ossory, to the hon. Cecilia de Roos, sister to lord de Roos.

21. At Powerscourt, co. Wicklow, the hon. A. Stuart, third son of the earl of Castlestuart, to the hon. C. Wingfield, sister to lord Powerscourt.

22. At St. George's, Hanover-sq., G. S. Buck, esq., of Hartland Abbey, near Bideford, to lady Eliz. O'Bryen, fourth dau. of the marq. of Thomond.

30. At Chalfont, St. Giles, Bucks, H. Plumtre Gipps, of Lincoln's-inn, esq., to Marianne, sister to the present sir W. Lawrence Young, bart., M.P.

— At Gloucester, the rev. Hardwicke Shute, to Sarah Frances, eldest dau. of the rev. Dr. Hall, preb. of Gloucester.

31. At Kensington, George de Boscoe, eldest son of T. Attwood, esq., M.P. for Birmingham, to Mary, eldest dau. of W. Medley, esq., of Montague-place, Russell-square.

— At Derby, the rev. Wm. Fletcher, headmaster of Derby Grammar School, to Jane, second dau. of J. Bainbrigge, esq.

— At St. Pancras, Peter Morrison, of Torrington-sq. esq. to Ellen, fourth dau. of Burton Brown, esq. of Brunswick-sq.

— At West Rownton, Yorkshire, the rev. J. Higginson, to Mary Maria Hester, dau. of the rev. M. J. Wynyard, rector of West Rownton.

*Lately.* At Edmonton, T. J. Hammond, esq. of the Madras army, to Anne, dau. of the rev. D. Warren, vicar of Edmonton.

2. At Hacheston, Suffolk, capt. the hon. Henry John Rous, R.N. brother of the present earl of Stradbroke, to Sophia, only dau. of the late James Ramsay Cuthbert esq. of Grosvenor-square.

5. At Trinity Church, Marylebone, Allen A. Maconochie, esq. eldest son the hon. lord Meadowbank, to Ellen, dau. of T. Wiggin, esq.

— At Bath, Charles Darby, esq. 52d Bengal native infantry, son of E. Darby, esq. of Aston Hall, Herts, to Eliza Harriet, eldest dau. of the late major Browne, 67th foot.

6. At Clifton, Thos. Clements Parr, esq. barrister, to Julia, Eliz. eldest dau. of C. A. Elton, esq. and grand-dau. of Sir A. Elton, bart.

8. At Paris, W. Milliken, esq. manager of the provincial bank of Ireland, at Mallow, to Helen Juliet, dau. of the right hon. lady Caroline Drummond, of Fitzroy-street, London.

11. At Weymouth, Theophilus John St. George, esq. eldest son of sir Richard Bligh St. George, bart. of Woodsgift, co. Kilkenny, to Caroline Georgiana, second dau. of J. Lautour, esq. of Hexton-house, Hertfordsh.

14. At N. Stoneham-church, James Fenier Armstrong, esq. of Castle-iver, King's-county, Ireland, to Honoria, eldest dau. of J. Fleming, esq. M.P. for Hants.

18. At St. George's, Hanover-sq. the lord visct. Powerscourt, to the lady Eliz. Jocelyn.

19. At Bath, the right hon. lord Carrington, to Mrs. Trevelyan.

21. At Yester-house the seat of the marquis of Tweeddale, lord Ramsay to lady Susan Hay.

25. At Grendon, Henry, eldest son of Henry Grimes, esq. of Coton-house, Warw. to Maria Eliz. eldest daughter of Sir Geo. Chetwynd, bart. of Grendon-hall.

26. In Durham, the hon. and rev. R. Liddell, vicar of Gilesgate, son of Lord Ravensworth, to Emily Caroline Charlotte, eldest dau. of the hon. and rev. G. V. Wellesley, D. D. preb.

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## MARRIAGES.

of Durham, and niece of the duke of Wellington.

28. At Speldhurst, Kent, Thomas Gordon, esq. son of the late lieutenant-gen. Gordon Cuming Skene, of Pitlurg and Dyce, Aberdeenshire, to Harriet Madden, youngest dau. of lieutenant-gen. sir W. Hutchinson.

30. At Milan, the count Jules D'Andreis, governor of the military college at Racconigi, to Caroline, dau. of the late rev. T. King, D.D, of Woodstock, Oxon.

## FEBRUARY.

4. At Witton, co. Chester, John Ward, esq. to Henrietta Lister, fourth dau. of the right hon. lady Amelia Kaye.

5. At All Saints, Southampton, John Hopkins, esq. of Devizes, Wilts, to Henrietta Jemima, grand-dau. of the late, and only sister of the present, sir Gardiner Baird, bart.

6. At the Government-house, Frederic-town, New Brunswick, the hon. Augustus Almeric Spencer, capt. 43d light infantry, third son of the right hon. lord Churchill, to Helen, second dau. of major-gen. sir Arch. Campbell, bart. lieutenant-governor of the province.

9. At St. Pancras-church, the rev. sir W. Dunbar, bart. to Ann, eldest dau. of Mr. Geo. Stephen, of Camden-town.

10. At St. George's, Hanover-sq. C. Tower, jun. esq. of Weald Hall, Essex, to the right hon. lady Sophia Frances Cust, eldest daughter of earl Brownlow.

13. At Wimbledon, the hon. J. Carnegie, second son of Adm. the late earl of Northesk, to Charlotte, only dau. of the late D. Stevenson, esq. of Dolan, Caermarthensh.

18. At St. Giles's-in-the-fields, the rev. G. Lea, of Wolverly, to Sophia, dau. of the hon. Mr. Baron Gurney.

20. In Barbadoes, W. Fitzherbert, esq. eldest son of sir H. Fitzherbert, bart. to Annie, second dau. of the hon. sir Reynold Alleyne, bart. of Alleyne dale-hall, in that island.

21. At Wimpole, near Cambridge, Robert C. L. Bevan, esq. to the lady Agnetta Yorke, sister of the earl of Hardwicke.

25. At Westonbirt, co. Glouc. sir G. J. Palmer, bart. of Wanlip-hall, Leicestershire, to Emily Elizabeth,

youngest daughter of George Holford, esq.

## MARCH.

1. At Weymouth, the rev. R. C. Phelps, rector of Cucklington, Somerset, to Caroline Anne, second dau. of sir Hungerford Hoskyns, bart. of Harewood, co. Hereford.

3. At St. George's, Hanover-sq. the rev. C. A. Thurlow, vicar of Scalby, near Scarborough, to Fanny Margaret, dau. of sir T. B. Lethbridge, bart.

— At Witton-le-wear, T. D. Brown, esq. of Jarrow-house, Durham, to Isabella, eldest dau. of sir W. Chaytor, bart. of Witton Costler.

— At St. Mary's, Bryanstone-sq. Charles Hulse, esq. second son of sir C. Hulse, bart. to Georgiana, dau. of lieutenant-gen. Buller, of Pelym, Cornwall.

4. At Ditton-park, G. W. Hope, esq. eldest son of gen. the hon. sir Alex. Hope, to Caroline Georgiana Montagu, youngest dau. of lord Montagu.

10. Capt. G. W. Oakes, son of the late lieutenant-gen. sir H. Oakes, bart. to Eliz. Staples, dau. of the late R. Fisher, esq. of Mitcham, Surrey.

15. The rev. J. Woodhouse, to Laura Agnes, fifth dau. of sir J. Trevelyan, bart. of Nettlecombe-court, Somersetshire.

— At Loughborough, visct. Deerpark, to Harriet Anne, the dau. of sir Chas. Cockerell, bart. of Sezincote-house, Gloucestershire.

— At Louth, Ireland, R. F. Delop, esq. to the hon. Anna Eliz. Skeffington Foster, second dau. of viscount Ferrard and the late viscountess Massarene.

16. At St. Mary's, Bryanstone-sq. lord Poltimore, to Caroline, eldest dau. of lieutenant-gen. Buller.

— At Spottiswoode, Berwick, lord John Douglas Montague Scott, M.P. co. Roxburgh, to Alicia Anne, eldest dau. of John Spottiswoode, of Spottiswoode, esq.

22. At St. George's, the hon. Peter John Locke King, to Miss Hoare, niece of Lord Barham.

26. At St. George's, Hanover-sq. Anthony Cleasby, esq. to Lucy Susan, dau. of the late Walter Fawkes, esq. of Farnley-hall, co. York.

## MARRIAGES.

## APRIL.

4. At North Elmham, Norfolk, the rev. W. H. Hanson, rector of Hockwold, near Wilton, Norfolk, to Anne Frances, sister of sir Edward Knatchbull, bart. M.P.

5. At Rushbrooke, capt. Eyres, gren. guards, to Louisa Eliz. dau. of lieut.-col. Rushbrooke. M.P.

— At Charlton, by the rev. Edward Ryder, sir John Ogilvy, bart. to the lady Jane Eliz. Howard, third dau. of the earl of Suffolk and Berkshire.

— At Northumberland House, the rev. Edward Thompson, cousin of the earl of Lonsdale, to miss Ellen Percy, fifth daughter of the bishop of Carlisle.

6. At Tunbridge Wells, the rev. Rich. William Wake, youngest son of the late sir W. Wake, bart. to Harriet, dau. of the late right hon. Henry Grattan.

7. At Presteigne, J. C. Hawkins, esq. eldest son of sir J. C. Hawkins, bart. to Louisa, dau. of T. B. Ricketts, esq. of Coombe House, Herefordshire.

12. At Trinity-church, Marylebone, E. North, eldest son of T. F. Buxton, esq. M.P. to Catherine, second dau. of S. Gurney, esq. of Upton, Essex.

14. At St. George's, Hanover-sq. lord Oxmantown, son of the earl of Rosse, to Miss Field, dau. of J. Field, esq.

15. At Paris, the baron de Braidenbach, of Darmstadt, to Charlotte, dau. of adm. sir Charles Ogle, bart. of Worthy, Hants.

20. At Hampstead, Lawrence Fyler, esq. capt. 77th regt. to Amelia, dau. of the late hon. John Byng.

27. At Springkell, Dumfriesshire, J. Dalrymple, esq. second son of sir R. D. H. Elphinstone, bart. to Mary, fourth dau. of the late lieut.-gen. sir J. H. Maxwell, bart.

## MAY.

3. At Maidstone. Henry Hoare, esq. to lady Mary Marsham, third dau. of the Earl of Romney.

5. At St. George's, Hanover-sq. the earl of Antrim, to Laura Cecilia, fifth dau. of the hon. col. Parker, of Ensham Hall, and brother to the earl of Macclesfield.

5. At St. George's, Hanover-sq. the rev. W. Corfield, to Henrietta Louisa, second dau. of the lady Maria Coates.

12. At Christ-church, Marylebone, captain sir R. King, bart. to Marianne, only dau. of James Barnett, esq. of Dorset-square, London.

15. Capt. W. A. B. Hamilton, R.N. second son of the right hon. lady Charlotte Hamilton, to the lady Harriet Hamilton, sister to the marquis of Abercorn.

16. At St. George's, Hanover-sq. capt. Weeks, Queen's Royal Lancers, to Laura, second dan. of lieut.-gen. sir H. J. Cumming, of Upper Grosvenor-street.

17. At Down, Kent, the rev. J. Pierce Morrice, rector of Rympton, Somerset, to the hon. Jane Lucy Powys, dau. of the late lord Lilford.

19. At St. George's, Hanover-sq. capt. Swinburne, R. N. second son of sir J. E. Swinburne, bart. to the lady Jane Ashburnham, dau. of the late, and sister of the present earl of Ashburnham.

21. At St. George's, Charles, eldest son of sir George Wombwell, bart. by his second marriage, to Charlotte, dau. of Orby Hunter, esq. of Grosvenor-place.

23. At St. George's, Hanover-sq. his Royal Highness Prince Charles Ferdinand of the Two Sicilies, Prince of Capua, to Miss Penelope Smyth, sister to Rich. Smyth, esq. of Ballynarry co. Waterford.

26. At St. Roch, Paris, Lord Stafford, to Eliz. dau. of Richard Caton, esq. of the state of Maryland, and sister to the marchioness of Wellesley.

— Vice-Admiral sir John Beresford, bart. to Amelia, widow of Samuel Peach, esq.

30. At Brighton, Anthony Augustus Baron de Sternberg, of Park-street, Grosvenor-sq. to Miss Harrison of Acrewalls, co. Cumberland.

31. At St. George's, Hanover-sq. John Lindsay, esq. of Loughrea, co. Tyrone, to Harriet Hester, dau. of the rt. hon. C. W. Williams Wynn.

— At Kensington, the rev. G. W. Murray of Pimlico, to Mary Anne, second dau. of the late major-gen. sir W. Douglas, of Pimpendean, Roxburgh.

— At Preston Candover, W. Hunter Little, esq. of Lansafraed, Mon.

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## MARRIAGES.

mouthshire, to Georgiana, dau. of W. H. Hartley, esq. and the late lady Louisa Hartley, and niece to the late earl of Scarborough.

## JUNE.

9. At Long Ashton, Somersetshire, D. Lewis, esq. M.P. of Stradey, Carmarthen, to Letitia, dau. of the late Benjamin Way, esq. of Denham-place, Bucks.

— At Bath, Martin Hyde Crawley Boevey, only son of sir Thos. Crawley Boevey, bart. of Flaxley-abbey, Gloucestersh. to Eliz. dau. of the rev. G. W. Daubeney.

— At Cheltenham. Wm. Neville, esq. of Hervey Hill, Londonderry, to Miss Keatinge, dau. of the late dean of St. Patrick's, and niece of the late viscountess Ferrard.

11. At St. Mary's, Bryanstone-sq. A. Shafto Adair, esq. to Theodosia, eldest dau. of lieutenant-gen. the hon. Robert Meade.

— At the same place, James John Kinloch, esq. of Brunswick-sq. to Sophia, fourth dau. of lieutenant-gen. sir George Anson, G.C.B. and M.P.

14. At Greenock, N. B. Edw. Candler, esq. of Pinkney, co. Northampton, to the right hon. Maria Janet, baroness Sempill.

15. At Frankfort, Lionel de Rothschild, esq. to his cousin, Miss Charlotte de Rothschild, dau. of baron Charles de Rothschild.

20. At St. George's, Hanover-sq. E. Divett, esq. M.P. to Ann, only child of the late G. Ross, esq.

22. At the same place, Aubrey Wenman Wykeham, esq. to Georgiana, sister of sir James Musgrave, bart. of Barnsley park, co. Gloucester.

— At Bantaskine, Alexander Speirs, esq. of Ederslie, M.P. to Eliza, eldest daughter of Thomas C. Hagart, esq.

29. At Logie Mansie, Stirlingshire, sir John Hay, bart. of Allan Park, to Miss Sarah Beresford, dau. of the late John Cossins, esq. and niece of lord Audley.

## JULY.

5. At Ailsa-house, Privy-gardens, sir John Cathcart, bt. to lady Eleanor Kennedy, grand-dau. of the marquis of Ailsa.

5. At St. George's, Hanover-sq. col. D'Oyly of the gren. guards, to Caroline Maria, dau. of colonel Gore Langton, of Newton Park, M.P. for East Somerset.

12. At St. Mary's, Bryanstone-sq. lieutenant-col. Colville, Scots Fusileer Guards, to Julia, eldest daughter of the late J. H. Leigh, esq. of Stoneleigh-Abbey.

— At Lyme Regis, Dorset, George Fred. Codrington, esq. to Frances Henrietta, dau. of the late major R. Vincent.

— At Durham, lord Chelsea, eldest son of earl Cadogan. to Mary, third dau. of the hon. and rev. G. V. Wellesley, and grand-dau. of late earl Cadogan.

13. At Colchester, Joseph, third son of Samuel Hoare, esq. banker, London, to Anna Amelia, only dau. of the late Chas. Buxton, esq.

14. At St. George's, Hanover-sq. capt. the hon. A. Duncombe, R.N. second son of lord Feversham, to Delia, daughter of John Wilmer Field, esq.

16. At St. Marylebone-church, the rev. F. Du Boulay, of Shobrooke, to Sybella, fourth dau. of Dr. Philpotts, bishop of Exeter.

19. At Ensham, the hon. John Dutton, second son of lord Sherborne, to Lavinia Agnes, daughter of the hon. col. Parker, of Ensham-hall. Oxon.

— At St. Mary's, Bryanstone-sq. the hon. Edw. Preston, eldest son of visct. Gormanston, to Lucretia, eldest dau. of the late W. Jerningham, esq. and niece to Lord Stafford.

20. At Clifton, Lionel Olive, esq. of Rodney-place, Clifton, to Eliz. Charlotte, eldest dau. of capt. sir W. G. Parker, bart. R.N.

21. At Stindon-hall, Surrey, colonel Leslie, R.H. to lady Mary Dorothea Eyre, sister of the earl of Newburgh.

26. At St. James's Church, lieutenant. the hon. Chas. Grey, M.P. second son of earl Grey, to Caroline Eliza, eldest dau. of the late sir T. H. Farquhar, bart.

28. At Kingston, the rev. John Lukin, rector of Nursling, co. Southampton, to Lucy Eliz. Byng, eldest dau. of the late lord Torrington.

— At sir Michael Shaw Stewart's house, Portland-place, the duke of Somerset, to Margaret, eldest dau.

MARRIAGES.

of the late sir Michael Shaw Stewart, bart.

*Lately.* At Deepdene, Surrey, Mr. Adrian J. Hope, to Mademoiselle Emily M. M. Rapp, dau. of the late gen. Rapp, and Mrs. Drummond of Melfort.

AUGUST.

1. At Trinity-church, St. Marylebone, major J. B. Thornhill, to Eliza, widow of the late lieutenant-gen. John Gordon, and daughter of the late R. Morris, esq. M.P. for Gloucester.

6. At St. George's, Hanover-sq. Abraham George, eldest son of W. A. Roberts, esq. M.P. to Eliz. Sarah, eldest dau. of the lady Eliz., and the late J. H. Smyth, esq. of Heath, co. York.

10. At St. George's, Hanover-sq. the Rev. G. Goodenough Lynn, to the hon. Eliz. Lucy Fraser.

— At Layton, Essex, B. P. Symonds, D.D. warden of Wadham-college, Oxford, to Lydia, eldest dau. of J. Masterman, esq. of Layton.

13. At Hereford, the rev. H. W. Maddock, vicar of Kington, to Eliz., eldest daughter of Dr. Grey, bishop of Hereford.

17. R. Jocelyn Otway, esq. to Ann Digby, daughter of the late sir Hugh Crofton.

24. At Windsor-castle, the right hon. lord Fred. Gordon to the right hon. lady Kennedy Erskine, dau. of the King.

*Lately.* At Whitworth, the rev. R. Gray, son of the late bishop of Bristol, to Sophia, dau. of the late R. W. Myddleton, esq. of Grinkle-park, Yorkshire.

— At Portstewart, Ireland, W. Wilson Campbell, esq. of Rutland-square, Dublin, to the hon. Susannah Robinson, eldest daughter of viscount Ashbrook.

SEPTEMBER.

1. At Christow, Devon, Tho. Lane, esq. to the hon. Julia Pellew, only dau. of the late, and sister of the present viscount Exmouth.

6. At Ore, W. Masters Smith, esq. of Camer, to Frances, eldest dau. of sir Howard Elphinstone, bart. of Ore-place, Sussex.

15. At Marylebone, the Rev. G. Grimstead, to lady Sarah Stuart, dau. of the dowager countess of Castlestuart.

— At Lutterworth, Sidney Gurney, esq. barrister-at-law, son of the hon. Mr. Baron Gurney, to Louisa Eliz. second dau. of the late Rich. Watson, esq.

19. The rev. John Prior, eldest son of Dr. Prior, Dublin, to Sarah, eldest dau. of the hon. C. B. C. and lady Sarah Wandesforde, of Castlecomer, co. Kilkenny.

22. At Brighton, Edward Simeon, esq. second son of the late sir John Simeon, bart. to Eliza, dau. of Fienes Wykeham Martin, esq. of Leeds-castle, Kent, and widow of Philip Thos. Wykeham, esq.

27. At Clifton Campville, Staffordshire, lieutenant-col. Thomas M.P. of Old Derrig, Queen's County, to Elizabeth Idonea, eldest dau. of the rev. R. Taylor, rector of Clifton.

— At Frankfort-on-the-Maine, visct. Fincastle, eldest son of the earl of Dunmore, to Catherine, dau. to the late earl of Pembroke.

— At Ackworth, W. Chaytor, esq. eldest son of sir W. Chaytor, bart. of Witton Castle, co. Durham, to Miss Lacy, sister to the wife of John Gully, esq. M.P. of Ackworth Park, near Pontefract.

OCTOBER.

5. At St. Pancras church, captain Charles Kerr Macdonald, to lady Ashworth, relict of the late gen. sir Charles Ashworth.

11. At St. George's Hanover-square, lord visct. Berehaven, eldest son of the earl of Bantry, to lady Mary O'Brien, youngest dau. of the marquis and marchioness of Thomond.

15. At St. George's, Hanover-sq., the marquis Graham, eldest son of the duke of Montrose, to the hon. Miss Beresford, dau. of Lord Decies.

18. At Hampton, Middlesex, Rich. Springett Harvey, esq. to Sarah, eldest dau. of Iltid Nicholl, esq. of Portland-place.

— W. M. Bayly, esq. of Annamult, to Anne, dau. of the rev. H. Maxwell, and niece to the right hon. the earl of Carrick and lord Farnham.

25. Coggeshall, sir F. A. Mackenzie, bart. of Gairloch, Ross-shire, to Mary,

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## MARRIAGES.

dau. of O. Hanbury, esq. of Holfield-grange, Essex.

26. At Cranborne, co. Dorset, T. Pery Knox, esq. eldest son of the late right hon. George Knox, to Frances Eliz. dau. of the late capt. George Burdett, R.N.

*Lately.* At Dover, the hon. James Butler, fifth son of Lord Dunboyne, to Emily Mary, only dau. of sir W. Fitzgerald, bart. of Carrigoran, co. Clare.

## NOVEMBER.

3. At Twickenham, the hon. Thos. Barnewall, only son of lord Trimlestown, to Margaret Randalina, dau. of the late Philip Roche, esq. of Donore, co. Kildare.

8. At St. George's, Hanover-square, capt. Fremantle, R.N. second son of the late vice-admiral sir T. F. Fremantle, to Isabella, relict of J. Wedderburn, esq.

— At Islay-house, Islay, P. L. Brooke, esq. of Mere-hall, Cheshire, to Julia Seymour Buccleuch, dau. of the late col. Campbell, of Shawfield.

9. At Whitehaven, the right hon. lord Thurlow, to Sarah, only dau. of P. Hodgson, esq.

17. At St. George's, Hanover-sq. Henry Unwin Addington, esq. to Eleanor Anne, eldest dau. of T. G. Bucknall Estcourt, esq. M.P.

19. At St. James's, Chas. Townley, esq. to lady Caroline Harriet Molyneux, dau. of the earl of Sefton.

26. At Banghurst, Hants, the rev. R. Pole, second son of sir Peter Pole, bart. to Eliz. Anne, dau. of R. Elmhirst, esq. of Cleathorpe, Lincolnshire.

## DECEMBER.

7. At Dean, Lancashire, E. R. Gale Braddyll, esq. eldest son of lieutenant-col. Braddyll, of Conishead Priory, to Sophia, second dau. of W. Hutton, esq. of Hutton Park.

10. At St. George's, Hanover-sq. the hon. Mr. Stanley, second son of the earl of Derby, to Miss Campbell, dau. of sir Henry Campbell.

13. At Shrivenham, Berks, the rev. T. Mills, rector of Stretton, Suffolk, to the hon. Elizabeth Frances Barrington, sister of viscount Barrington.

15. At St. George's, Hanover-sq. John Clark, esq. major 54th reg. to

Charlotte Sophia, third dau. of the late major-gen. sir John, and sister to the present sir Hugh Dalrymple, bart. of North Berwick.

## PROMOTIONS.

1835.

## NOVEMBER.

### GAZETTE PROMOTIONS.

18. Knighted, rear-admiral Robert Lewis Fitz-Gerald.

20. Lord George W. Russell to be envoy-extraordinary to the king of Prussia; sir George Shce, bart., to be envoy-extraordinary to the king of Wurtemberg.

27. G. H. Seymour, esq., to be envoy-extraordinary to the king of the Belgians; R. Abercrombie, esq., to be minister resident at the court of the grand duke of Tuscany; sir G. B. Hamilton, K.C.B., to be secretary of legation at Berlin; and Henry Lytton Bulwer, esq., to be secretary of legation at Brussels.

— Sir F. B. Head to be lieutenant-governor of the Province of Upper Canada.

## DECEMBER.

### GAZETTE PROMOTIONS.

2. Alex. Currie, esq., advocate, to be sheriff depute of the shire of Banff.

11. 57th Foot, lieutenant-gen. rt. hon. sir F. Adam, to be colonel.

— 73rd Foot, major-gen. lord Harris, to be colonel.

— 86th Foot, major-gen. hon. sir F. C. Ponsenby, to be colonel.

### MEMBERS RETURNED TO PARLIAMENT.

*Devises.*—Thomas H. Sutton Bucknall Estcourt, of Newpark, Wilts, esq.

*Northampton (Northern Division).*—Thomas Philip Maunsell, of Thorpe Malsor, esq.

1836.

## JANUARY.

## GAZETTE PROMOTIONS.

5. The hon. George Sulyarde Stafford Jerningham, to be secretary to his majesty's legation at Turin; and sir Alexander Malet, baronet, to be secretary to his majesty's legation at the Hague.

8. 15th Light Dragoons, lieutenant-gen. sir B. Wilson, knight, to be colonel.

— Brevet, lieutenant-col. sir H. Bethune to have the local rank of major-gen. in Asia; Capt. J. Michael, to be major in the East Indies only.

19. Sir C. C. Pepys to be lord chancellor; the rt. hon. H. Bickersteth to be master of the rolls; the former to be baron Cottenham, of Cottenham, co. Cambridge; and the latter to be baron Langdale, of Langdale, co. Westmoreland.

— Lady Mary Elizabeth, wife of sir John Campbell, attorney-general, to be a baroness of the United Kingdom, with remainder to her heirs male, by the title of baroness Stratheden, of Cupar, co. Fife.

— Herefordshire Militia, lord visc. Eastnor to be colonel.

## ECCLESIASTICAL PREFERMENT.

Rev. W. G. Broughton, (late Archdeacon of New South Wales) to be bishop of Australia.

## FEBRUARY.

## GAZETTE PROMOTIONS.

2. Col. Sir John Harvey to be lieutenant-gov. of Prince Edward Island; Andries Stockenstrom, esq., to be lieutenant-gov. of the Eastern division of the Cape of Good Hope; John Hindmarsh, esq., capt. R.N., to be governor of South Australia; lieutenant-col. Robert Torrens, C.B., W. A. Mackinnon, M.P., W. Hutt, M.P., J. G. S. Leffevre, G. Palmer, jun., Jacob Montefiore, S. Mills, E. Barnard, Josiah Roberts, and James Pennington, esqrs., to be the colonization commissioners

## PROMOTIONS.

for South Australia (to carry into effect an Act of last Session); and Jeffery Hart Bent, esq., to be chief justice of British Guiana.

3. Lord Segrave to be lord-lieut. of the county of Gloucester, the city of Bristol, and city of Gloucester, and custos rotulorum of the county.

— Capel Hanbury Leigh, esq., to be lord-lieut. and custos rotulorum of co. Monmouth.

— Henry Williams, esq., to be lord-lieut. and custos rotulorum of co. Brecon.

22. To be baronets of the United Kingdom,—with remainders to heirs male:—sir Henry Bethune of Kilcunquhar, co. Fife, knt.; lieutenant-gen. sir Thomas Macdougall Brisbane, of Brisbane, co. Ayr; Donald Campbell, of Dunstaffnage, co. Argyll, esq.; James Rivett Carnac, of Derby, esq.; lieutenant-col. Henry Fairfax, of the Holmes, co. Roxburgh; Colin Mackenzie, of Kilcoy, co. Ross, esq. (remainder to his second and third sons Evan and Colin-John); rev. John Barker Mill, of Mottisfont, co. Southampton; R. W. Newman, of Stokeley, Devon, esq.; Henry Charles Paulet, of West Hill Lodge, Southampton, esq.; sir Fred. Adair Roe, of Brundish, Suffolk, knt, chief magistrate of Bow-street; vice-admiral sir Charles Rowley, of Hill House, Berks; Joseph Sawle Graves Sawle, of Penrice, Cornwall, and Barley, co. Devon, esq.

23. Knighted, major-gen., Wiltshire Wilson; capt. J. J. Gordon, R.N.; capt. the hon. James Ashley Maude, R.N.; capt. John S. Peyton, R.N.; capt. Henry Hart, R.N., K.C.H.; and major-gen. Charles William Maxwell, C.B., K.C.H.

24. Thomas de Grenier Fonblanque, esq., to be consul at Dantzic.

## MEMBERS RETURNED TO PARLIAMENT.

*Cashel*.—Stephen Woulfe, esq.

*Clonmell*.—Nicholas Ball, esq.

*Cockermouth*.—Edward Horseman, esq.

*Devizes*.—James Deans Dundas, esq. *Gloucestershire (West)*.—R. B. Hale, esq.

*Glasgow*.—Lord W. Bentinck.

*Leicestershire (North)*.—Lord Charles S. Manners.

*Leicestershire (South)*.—C. W. Parke, esq.

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## PROMOTIONS.

*Malton*.—J. W. Childers, esq.  
*Stoke-upon-Trent*.—Hon. G. Anson.

MEMBER RETURNED TO PARLIAMENT.

*Paisley*.—Archibald Hastie, esq.

Lord Dunsany a representative peer  
 for Ireland.

APRIL.

## GAZETTE PROMOTIONS.

### ECCLESIASTICAL PREFERMENTS.

Ven. G. J. Mountain, to be bishop  
 of Montreal.

Rev. R. D. Hampden, D.D., to be  
 canon of Christ church, Oxford, and  
 regius professor of divinity.

### CIVIL PREFERMENTS.

The earl of Durham high steward of  
 Hull; the duke of Beaufort recorder  
 of Bristol; hon. S. Law to be steward  
 of Southwark.

A. Y. Spearman, esq., to be assistant  
 secretary to the Treasury; R. Pen-  
 nington, esq., to be auditor of the civil  
 list; Edw. Romilly, esq., to be com-  
 missioner of audit.

## MARCH.

### GAZETTE PROMOTIONS.

11. Vice-admiral sir Graham More,  
 to be G.C.B.

13. W. Rough, esq., serjeant-at-  
 law, to be chief justice of the supreme  
 court of Ceylon; John Jeremie, esq.,  
 to be first puisne judge; and John  
 Fred. Stoddart, esq., to be second  
 puisne judge of the supreme court of  
 Ceylon.

14. John Hubert Plunkett, esq., to  
 be attorney-general of New South  
 Wales.

— Knighted, the hon. Fleetwood  
 B. R. Pellew, capt. R.N., C.B. and  
 K.C.H.

— Knighted, col. Daniel Jones, of  
 Brockville, Upper Canada; George  
 Hamilton Seymour, esq., G.C.H.

23. Knighted, major-gen. William  
 Gabriel Harvey, C.B. and K.C.H.

24. 7th Dragoon Guards, lieut.-gen.  
 sir E. Lloyd, K.C.H. to be colonel.

### ECCLESIASTICAL PREFERMENTS.

Right rev. Dr. Maltby, to be bishop  
 of Durham.

Rev. T. Dealtry, to be archd. of  
 Calcutta.

8. John Reddie, esq., to be chief  
 justice of St. Lucia.

12. Right hon. Dominick Browne,  
 to be a baron of Ireland, by title of  
 baron Oranmore and Browne, of  
 Carra-Browne Castle, Galway, and  
 Castle M'Garrett, co. Mayo.

19. Sir John Franklin, capt. R.N.,  
 to be lt.-gov. of Van Dieman's Land.

20. Knighted, W. Jackson Hooker,  
 LL.D., regius professor of botany in  
 the University of Glasgow, K.H.

21. Lt.-col. T. F. Wade to be an  
 assistant commissioner of the poor-  
 laws.

22. Admiral sir P. H. Durham,  
 G.C.B., to be commander-in-chief at  
 Portsmouth; Admiral lord Amelius  
 Beauclerk to be commander-in-chief at  
 Plymouth.

26. Jacob James Hart, esq., to be  
 consul for the Kingdom of Saxony.

29. Right hon. R. Montgomery lord  
 Belhaven, to be high commissioner to  
 the general assembly of the church of  
 Scotland.

— H. W. Macaulay, esq., to be judge,  
 and Walter W. Lewis, esq., to be his  
 majesty's arbitrator, in the mixed  
 British and Spanish court of justice at  
 Sierra Leone; and W. Sharp Mac-  
 leay, esq., to be judge, and Ed. Wynd-  
 ham Harrington Schenley, esq., to be  
 arbitrator to the mixed court of justice  
 at the Havannah, under the treaty of  
 the 28th June, 1835, for the abolition  
 of the slave trade.

### MEMBERS RETURNED TO PARLIAMENT.

*Kilkenny city*.—Daniel O'Connell,  
 esq.

*Dublin*.—George Alex. Hamilton,  
 and John Beattie West, esqrs., de-  
 clared duly elected, vice O'Connell  
 and Ruthven.

*Mayo*.—Robert Dillon Browne, of  
 Glencorrib, esq.

### CIVIL PREFERMENTS.

Wm. Bond, esq., to be recorder of  
 Wareham.

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## PROMOTIONS.

Rev. C. Wordsworth, to be head master of Harrow school, and the rev. W. Jacobson, assistant master.

MEMBER RETURNED TO PARLIAMENT.

*Essex (Southern Division).*—George Palmer, of Nazeing-park, esq.

## MAY.

### GAZETTE PROMOTIONS.

25. John M'Neil, esq., to be minister plenipotentiary to the shah of Persia.  
— Right hon. W. George, earl of Erroll, K.T., be lieut. and sheriff principal of the shire of Aberdeen.

## JUNE.

### GAZETTE PROMOTIONS.

8. Knighted, John Simpson, esq., lord mayor of York.

11. Gen. his serene highness Louis William Frederick reigning landgrave of Hesse Hombourg invested with the ensigns of an honorary G.C.B.

15. Knighted, major Warwick Hele Tonkin, and David Wilkie, esq., R.A., principal painter to his majesty.

— Knighted, capt. William Symonds, R.N., surveyor of his majesty's navy.

22. Lt.-col C. J. Doyle, to be lieut.-governor of Grenada.

25. To be baronets, John Power, of Kilfane, co. Kilkenny, esq., sir Francis Workman Macnaghten, of Bushmills-house, co. Antrim, and of Armagh, knight; John Kennedy, of Johnstown, co. Dublin, esq.; and lieut.-gen. sir W. Houstoun, G.C.B.

### ECCLIESIASTICAL PREFERMENTS.

Right rev. J. Allen, D.D., bishop of Bristol, to be bishop of Ely.

Rev. S. Butler, D.D., to be bishop of Lichfield and Coventry.

### CIVIL PREFERMENTS.

*Recorders.*—For Penzance, Walter Coulson, esq.; Chester, John Cottingham, esq.; Oxford, Andrew Amos, esq.; Ludlow, John Romily, esq.; Carmarthen, John Wilson, esq.; Lichfield, Thomas Jervis, esq.; Great Yarmouth, Nathaniel Palmer, esq.; Hereford, Geo. Chilton, esq.; Worcester, John Buckle, esq.; Dartmouth, P. Stafford Carey, esq.; Barnstaple and Bideford, W. Mackworth Praed, esq.; Scarborough, C. P. Elsley, esq.

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## JULY.

MEMBERS RETURNED TO PARLIAMENT.

*Merioneth County.*—R. Richards, esq.  
*Warwickshire (Southern Division).*—Evelyn John Shirley, esq.

### CIVIL PREFERMENTS.

The duke of Cleveland, lord-lieut. of the co. of Durham, to be custos rotulorum of the same.

R. Armstrong, esq., to be recorder of Hull.

Sir W. Hamilton to be professor of logic in the University of Edinburgh.

Examiners of the new metropolitan University.—Dr. Maltby, bishop of Durham; Henry Warburton, esq., M.P.; Andrew Amos, esq., professor of law in the University of London; W. Empson, esq., professor of law in the East India College; Dr. Roget; J. Shaw Lefevre, esq.; rev. Dr. Arnold; rev. R. Sheepshank, fellow of Trinity College Cambridge; rev. Connop Thirlwall, fellow of Trinity College, Cambridge; G. B. Airy, esq., astronomer-royal; J. W. Lubbock, esq., vice president of the royal society; Nassau Senior, esq., and Michael Faraday, esq., F.R.S.

Rev. Thomas Worsley, M.A., to be master of Downing College, Cambridge.

## AUGUST.

### GAZETTE PROMOTIONS.

1. Joseph Barclay Pentland, esq., to be consul-general in the republic of Bolivia.

— Wm. Penrose Mark, esq., to be consul for the Province of Grenada.

— J. C. Lees, esq., to be chief justice of the Bahama Islands.

3. Rt. hon. lord Elphinstone sworn of his majesty's privy council.

15. Right hon. lord John Russell to be one of the ecclesiastical commissioners for England.

19. T. H. Lister, esq., to be registrar-general of births, deaths, and marriages in England.

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## PROMOTIONS.

19. Knighted, Charles Lyon Herbert, M.D.

— John Parkinson, esq., to be consul in Mexico; Chas. Thaddeus O'Gorman, esq., to be consul at Bahia; John Hesketh, esq., to be consul at Para.

20. James Stewart, esq., to be inspector of factories.

22. Knighted, John Graham Dalzell, esq.

— William Blamire, esq., Thomas W. Buller, esq., and the rev. Richard Jones, M.A., to be tithe commissioners England and Wales.

Rear-adm. sir C. Paget, G.C.H., to command the squadron at Spithead;

## MEMBERS RETURNED TO PARLIAMENT.

*Newcastle-upon-Tyne*.—J. Hodgson, esq.

*Sheffield*.—John Parker, esq.

*Warwick*.—Hon. C. J. Canning.

## ECCLESIASTICAL PREFERMENT.

Rev. J. Carr, D.D., to be bishop of Bombay.

## SEPTEMBER.

### GAZETTE PROMOTIONS.

1. Major-gen. sir Alex. Woodford, to be governor and commander-in-chief of Gibraltar.

— George Cornwall Lewis, esq., in addition to John Austin, esq., to be commissioner of inquiry at Malta.

— Lord Seymour, lord Ashley, Mr. R. Gordon, Mr. R. Vernon Smith, Mr. J. Abel Smith, col. Clitherow, lieutenant-col. W. H. Sykes, lieutenant-col. Edward Clives, Mr. E. Halswell, Mr. George Acklom, the rev. Dr. G. Shepherd, Mr. J. W. Mylne, Mr. Bryan, Waller Proctor, Dr. Thomas Turner, Dr. John Bright, Dr. Henry Herbert Southey, Dr. J. R. Hume, and Dr. E. J. Seymour, to be the metropolitan commissioners in lunacy, during the space of one year.

10. Lieutenant-gen. lord Aylmer, K.C.B., to be G.C.B.

13. Joseph Phillimore, D.C.L.; H. W. Tancred, esq.; Edgar Taylor, esq.; the rev. Dr. Rees, LL.D.; John Bowring, esq.; John Nicholl, D.C.L.; Robert Winter, esq.; Samuel Gale, esq.; John Parker, esq.; S. March Phillipps, esq.; T. H. Lister, esq.;

and John Shoveller, LL.D., to be commissioners for inquiring into the state of registers of births, deaths, and marriages, not being parochial registers in England and Wales.

30. Brevet, major-gen. sir Samford Wittingham, K.C.B., to be lieutenant-gen. in the Windward and Leeward Islands only.

— Charles Cunningham, esq., to be secretary and clerk of the council, and remembrancer of the court of exchequer, in the island of Barbadoes.

## MEMBERS RETURNED TO PARLIAMENT.

*Cumberland (East)*.—William James, esq.

*Downshire*.—The earl of Hillsborough.

## ECCLESIASTICAL PREFERMENT.

Rev. W. Otter, D.D., to be bishop of Chichester.

## OCTOBER.

### GAZETTE PROMOTIONS.

1. Felix Bedingfield, esq., to be secretary and clerk of the council, in the island of Montserrat.

8. Lieutenant-col. Henry George Macleod, to be lieutenant-gov. of the island of St. Christopher.

17. Chas. Shaw Lefevre, esq., lieutenant-col. Chas. Rowan, and Edwin Chadwick, esq., to be his majesty's commissioners for inquiring as to the best means of establishing an efficient constabulary force in the several counties of England and Wales.

18. Major-gen. sir L. Smith, K.C.B., to be governor-in-chief of the island of Jamaica; col. sir E. J. Murray M'Gregor, bart., to be governor of the islands of Barbadoes, St. Vincent, Grenada, Tobago, and their dependencies; major-gen. sir H. F. Bouverie, K.C.B., to be governor of the island of Malta; major-gen. sir James Carmichael Smyth, bart., to be governor of British Guiana and its dependencies.

19. Thomas Drummond, esq., col. John Fox Burgoyne, Peter Barlow, professor of mathematics at the military academy at Woolwich, and Richard Griffith, esq., to be commissioners for considering and reporting upon a general system of railways in Ireland.

21. Stephen Henry Sullivan, esq.,

## DEATHS.

to be secretary to his majesty's legation at Lisbon.

27. Charles Kemble, esq., to be examiner of all plays, tragedies, comedies, or any other entertainment of the stage.

28. Brevet, lieut.-col, Alex Macdonald, R.A., to have the rank of colonel at the Honduras only.

— Henry Richardson, of Ryde, gent., to take the name of Cornfoot only.

31. Viscount Hawarden elected a representative peer of Ireland.

## MEMBER RETURNED TO PARLIAMENT.

*Caine.*—The hon. John Geo. Chas Fox Strangways, of Abbotsbury, Dorset.

## ECCLESIASTICAL PREFERMENT.

Rev. C. T. Longley, D.D., to be bishop of Ripon.

## NOVEMBER.

## CIVIL PREFERMENTS.

Visct. Arbuthnot to be lord rector of King's College Aberdeen.

Sir Robert Peel to be lord rector of the University of Glasgow.

Rev. Gilbert Ainslie, D.D., master of Pembroke College, Cambridge, to be vice-chancellor of that University.

Rev. F. C. Plumtre to be master of University College, Oxford.

## DEATHS.

1835.

*July 4.* At Singapore, in the East Indies, in his 51st year, the hon. Charles Robert Lindsay, of the Bengal civil service; next brother to the earl of Balcarres. He was born August 20, 1784, and arrived in Calcutta as a writer in Sep. 1803. After having spent about two years in the College, he was, early in 1806, stationed as an assistant to the magistrate in the district of Sylhet; where he remained until January, 1810, the country being, during nearly the whole of the time, in a state of considerable disturbance, through the incursions of

Kullien Sing, a native chief, who was at the head of a considerable marauding force. On quitting Sylhet Mr. Lindsay proceeded to Dacca with a commercial appointment; and from thence, in 1811, to the 24 Pergunnahs. In these Pergunnahs he continued, with occasional intervals of absence through ill health, as assistant or agent in charge of the Company's salt monopoly, till the year 1834. In January, 1835, he went to Singapore for the benefit of his health, and there died.

*Aug. 6.* At Cheltenham, major-general George Prole, of the Bengal establishment.

28. At his residence, Brixton-hill, Surrey, in his 93rd year, sir William Blizard, knt., F.R.S., London and Edinburgh, and F.S.A., Honorary Professor of Anatomy and Surgery, &c. He was born at Barnes in Surrey, being the youngest but one of the five children of William Blizard, an auctioneer. The family were remarkable for longevity; his father and mother having both died at the age of eighty-six, and his maternal grandfather at the age of ninety. He had not the advantage of a classical education; having been articled to a surgeon and apothecary at Mortlake, named Besley. His studies in the metropolis were commenced at the London Hospital, with which he was afterwards closely and constantly connected, under Mr. H. Thompson, a man of considerable talent and eminence in his day. At the same time, he assisted a surgeon practising in Crutched Friars, and attended the lectures of Pott and the Hunters. At an early period of his life, he was elected surgeon to the Magdalen, which he attended for several years, until his appointment, upon the decease of Mr. Thompson, to the London Hospital in 1780. During many years, he performed all the operations, and attended nearly to the entire duties of that hospital, for his colleagues Mr. Grindall and Mr. Weale. He connected himself with Dr. MacLaurin, a Scotch physician, well known at that time as a teacher of anatomy. They lectured together, first at a small place in Thames-street, and afterwards in Mark-lane, where Mr. Blizard resided; and in the year 1785 they founded the school at the London hospital, which was the first regular medical school connected with a great hospital. He was also partly the founder, and for many years

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the chairman, of the Anatomical Society, which was instituted at once to advance the science of anatomy, and to protect the interests of the teachers. Of the Hunterian society he was the first president, the first honorary member, and delivered the first oration. In the year 1787, Mr. Blizard was appointed Professor of Anatomy to the old Company of Surgeons; and on the 3rd of July, 1788, he was unanimously re-elected. In a few years after, he became an examiner. He and Sir Everard Home were appointed the two first professors to this chartered institution, now designated the Royal College of Surgeons. He served the office of president twice, and delivered the Hunterian oration three times. It was on the occasion of presenting an address to the King from the College of Surgeons, on the 16th of March, 1803, that sir William received the honour of knighthood. Besides the official situations already mentioned, he was, for some time, in early life, surgeon to St. Luke's hospital for lunatics; and also to the hon. Corporation of the Trinity-house, the hon. Artillery Company, and the Maritime School at Chelsea. He was consulting surgeon to the Deaf-and-Dumb Asylum, the Marine Society, the London Orphan Asylum, and the Clergy Orphan Asylum. He was also in 1796 one of the founders of the Sea Bathing Infirmary at Margate, and was a vice-president and senior surgeon of the London Medical Board till his death. Besides some political essays, sir William Blizard published the following works:—"New Method of treating the Fistula Lacrymalis," 1780; "A Lecture on the situation of the large Blood-vessels of the Extremities," &c., 1786, 12mo.; 2nd edition, 1786; 3rd edition, with an explanation of the nature of wounds from fire-arms, 1798, 8vo. "Desultory reflections on Police, with an Essay on the means of preventing Crimes and amending Criminals," 1785; "Experiments and Observations on the danger of Copper and Bell-metal in pharmaceutical and chemical preparations," 1786, 8vo; "Experiments and Observations on the external use of Tartar Emetic," 1787; (London Medical Journal, vol. viii.); "Observations on the uses of Electricity in Deafness," 1790, (Lond. Med. Journ.); "Observations on some Epide-mical Effects," 1792, (Medical Facts,

vol. i.); "Suggestions for the improvement of Hospitals, and other Charitable Institutions," 1796, 8vo.; "The Hunterian Orations, delivered in the Theatre of the Royal College of Surgeons," 1815, 1823, 1828, 4to.; "Oration delivered before the Hunterian Society (in 1815) with supplementary observations and engravings;" "An Address to the Chairman and Members of the House Committee of the London Hospital, on the subject of Cholera," 1831. The portrait of Sir William which is in the possession of the College of Surgeons, painted by Opie, (and engraved by S. W. Reynolds) is not so striking a likeness as the bust by Chantrey, or the smaller one by Rivers. Though the energy of constitution sustained the wear and tear of his extraordinary activity of mind and body to nearly his ninetieth year, it then began to yield. His sight failed him, and he became nearly blind with cataract. In his 92nd year, he determined to have it removed; and on the 25th September, 1834, the lens in the right eye was extracted by Mr. Lawrence. The result was perfectly successful; sir William was able to recognise his friends, and to write as well as ever; and he afterwards appeared in improved health and spirits. During the latter months of his life, he declined by a gradual decay; but he attended the Court of Examiners at the College of Surgeons, one week before his death.

*Sept. 1.* In Great Ormond-street, Jabez Henry, esq. barrister-at-law, conveyancer for the Dutch colonies. He was the first English president of Demerara, Essequibo, and Berbice, in 1813; and was the first supreme judge of the Ionian Islands after their occupation by the English, and framed the procedures for their new constitution. He published many legal works and pamphlets, of which the principal were: *Points on Manumission, and Cases of Contested Freedom, 1817; Report on the Criminal Law of Demerara, and in the ceded Dutch Colonies, 1821; Foreign Law, including the Judgment of the Court of Demerara in the Case of Odwin v. Forbes, &c.; and a translation of Vander Linden's Institutes of the Laws of Holland, 1828.* Only a few days before the stroke which caused his death, he had published a pamphlet, "*Manifesto of a Neutral*," which ran through three editions.

7. At Tobago, major-general Henry-

## DEATHS.

Charles Darling, lieut.-governor of that island.

Oct. 20. At Halifax, Nova Scotia, aged 28, in consequence of drinking cold water, whilst over-heated in the pursuit of moose deer, the hon. Charles Francis Norton, captain 52nd regiment, assistant military secretary to sir Colin Campbell, K.C.B., the governor of Nova Scotia, and brother to Lord Grantley.

23. At Bruges, aged 62, Thomas Anthony Trollope, esq., barrister-at-law, cousin to sir John Trollope, bart. He was formerly Fellow of New College, Oxford, and was called to the bar at the Middle Temple, May 11, 1804. His widow is Mrs. Trollope, the authoress.

Nov. 1. In Eaton Place, of apoplexy, aged 49, the hon. sir Henry Duncan, C.B. K.C.H., a post captain in the royal navy, and naval aide-de-camp to the King; only brother to the earl of Camperdown. He was the younger son of Adam the first viscount Duncan, the victor of Camperdown, by Henrietta, second daughter of the right hon. Robert Dundas, and niece to Henry first viscount Melville.

2. At Keston Lodge, Kent, at a very advanced age, colonel Sweney Toone, formerly an officer in the service of the East-India Company, on their Bengal establishment, and latterly a member of the Court of Directors of that company.

3. At Newington, near Edinburgh, lieut.-colonel Farquharson, late of the 42nd regiment, and lieut.-governor of Carlisle.

5. At Chawton, Hants, Benjamin Clement, esq., a post captain R.N.

7. At Paris, admiral Rigny, who commanded the French squadron at the battle of Navarino.

8. At his residence, Hayle cottage, near Maidstone, in his 90th year, Theophilus Jones, esq., senior admiral of the White.

15. At Tralee, Francis Edward Collingwood, esq., commander, R. N.

He served as midshipman on board the Victory, at the battle of Trafalgar, and being stationed on the poop, shot the man who inflicted the mortal wound on Nelson.

16. In Dorset-square, after a few days' illness, aged 57, colonel Thomas Duer Broughton, of the East-India Company's service, M.R.A.S. He published "*Letters from a Mahratta*

Camp," and "*Selections from the popular Poetry of the Hindoos*," 8vo., 1814; and was honorary secretary of the royal Asiatic Society.

17. Aged 53, lieutenant-colonel James Tod, of the hon. East-India Company's service. As the annalist of Rajpootana, he has left to the world a noble memorial of his services in the "land of his adoption," as he always termed it: while his indefatigable spirit of research, and his zeal to benefit the people for whom he laboured, are to be traced in every line of his work. To him also belongs the praise of having set one of the first examples of the study of Indo-Grecian antiquities, which is now prosecuted with so much diligence and success in India, and promises to open a new avenue into the history of nations which united the Asiatic with the European races. His disquisition on Greek, Parthian, and Hindoo medals, illustrated with unknown coins discovered in the course of his researches, is a monument of learned investigation, which has merited the applause of scholars. He for some time officiated as librarian of the Royal Asiatic Society.

He was attacked by apoplexy on the morning of the 16th, while transacting business at his bankers', Messrs. Roberts and Co.; and after the first fifteen minutes, he lay speechless and without consciousness for seven-and-twenty hours, and expired in the afternoon of the following day.

18. At Gibraltar, in his 56th year, the right hon. George Charles Venables Vernon, fourth lord Vernon.

— Aged 46, sir John Ely Parker, bart., a captain in the Royal Artillery.

23. At Nantes, aged 41, lady Maria Caroline Anne, countess de Mondreville, eldest daughter of the marquess of Ailesbury. She was married in 1819.

26. At Hessel, Yorkshire, aged 63, Mr. Isaac Wilson, formerly a bookseller in Hull, for thirty years editor, and many years proprietor, of the Hull Advertiser. He was the author of a volume of "*Miscellanies, in prose and verse*," consisting of the "*Inspector*," a series of essays, and other compositions occasionally inserted in that paper.

27. At Walton hall, Lancashire, aged 67, sir Henry Philip Hoghton, the seventh baronet, of Hoghton Tower in that county.

## DEATHS.

29. In Regent-street, John M'Kerrell, esq., formerly in the service of the East-India Company, on their Madras Civil Establishment. He was the son of William M'Kerrell, esq., of Hill House, co. Ayr, and went to India in the year 1804. On his arrival he received an appointment at the presidency in the department of the revenue and judicial secretary. In 1806 he was stationed in the northern part of Canara, as register of the Zillah court in that district; where he continued to 1812, and gained such an extensive acquaintance with the Telooogo language, that the Madras government recalled him to the Presidency, and appointed him their Telooogo translator, and a member of the board of superintendence for the college of Fort St. George. In 1815 he received the additional appointments of superintendent of the police of Madras, and reporter of external commerce. In 1818, in addition to his appointment of translator of the Telooogo, he received that of Canarese translator to the government. Early in 1821 he relinquished the superintendence of the police; and received, in connection with his literary engagements, charge of the Madras Mint; which appointment he held till 1830, when he retired from the service. He published a grammar of the Carnatic language, in one vol. quarto.

Mr. M'Kerrell was afflicted with a very extraordinary mental malady, under the influence of which he committed suicide by swallowing prussic acid. It was an illusion occurring every second day, attended with the most horrible state of mental and corporeal sufferings. Although its precise nature continues a profound secret, (having been disclosed in confidence to Dr. Johnson only, who refused to divulge it at the inquest,) yet some information incidentally transpired as to the general character of, at least, a part of the delusion which had reference to a particular number. It appears that a particular number had made an indelible impression on his mind, that he considered his fate identified with it, and that its recurrence under a particular conjunction would be fatal to his existence. Dr. Johnson stated that, had he been at liberty to disclose the secret, it would supply a complete solution of the strangely eccentric conduct of the deceased in booking himself for Paisley, in Scotland,

and yet turning back at Manchester; re-booking himself on reaching London to go again in the evening, and returning again on getting to Birmingham; booking himself a third time on his return, and not starting; then booking himself a fourth time, and going the journey.

It was the strong and often-expressed wish of the deceased that, after death, his body might be subjected to a *post mortem* examination, with a view to ascertain whether any physical causes existed to elucidate his very singular hallucination. This was done, and some very extraordinary diseases in several parts were discovered; the most singular, and perhaps unprecedented, of which was a hard jagged stony concretion, the size of a nut, impinged against, and growing upon one of the most important nerves in the body, called the *par vagum*, which supplies nervous influence to the lungs, heart, stomach, and other parts. In almost all the organs to which this nerve is distributed there was considerable organic disease. The brain was quite sound.

— At Dumfries, of a rapid decline William Gray, esq., M.A. of Magdalen College, Oxford, and barrister-at-law of the Inner Temple. Mr. Gray entered Oxford in 1824, as a gentleman commoner of St. Alban Hall; but on the death of Dr. Elmsley, he removed his name to the books of Magdalen College, and took his degrees as a member of that Society—B.A. June 25, 1829; M.A. June 2, 1831, grand compounder. During his residence in the University, he was an occasional contributor to the Oxford Herald, to which, among other valuable communications, he furnished an account and character of Professor Elmsley. He printed also, during his residence in Oxford, an Historical Sketch of the origin of English Prose Literature, and of its progress till the reign of James the First, Oxford, 1828; and the Miscellaneous Works of Sir Philip Sidney, with a life of the author and illustrative notes: Oxford, 1829.

29. At Ramsgate, aged about 73. lieut.-general sir William Inglis, K.C.B., colonel of the 57th Foot, and governor of Cork.

Dec. 2. At Turnham-green, aged 79, James Fittler, esq., A.R.A., the eminent engraver.

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### DEATHS.

2. At Worthing-house, near Basingstoke, in his 58th year, Pelham Warren, M.D., of Brook-street, a Fellow of the Royal College of Physicians, and of the Royal Society. Dr. Warren graduated at Trinity College, Cambridge, M.B., 1800, M.D., 1805. He was elected one of the physicians to St. George's Hospital in April, 1808, an office which he resigned in 1816. He obtained a large share of business, and he subsequently enjoyed one of the largest practices in the metropolis. Dr. Warren made no contributions to medical science except a paper on Headache, which he published in the "Transactions of the College of Physicians;" and a case of Ossification of the Aorta, read at one of the evening meetings in Pall Mall East.

4. At his Chateau near Liege, after a short illness, the right hon. John Crewe, second lord Crewe, of Crewe, a general in the army.

5. At Manchester, in his 46th year, William Robert Whatton, esq. F.R.S. and F.S.A. London and Edinburgh, Member and Librarian of the Literary and Philosophical Society of Manchester, and surgeon to the Manchester Royal Infirmary, &c., &c. In 1828 Mr. Whatton wrote a History of Manchester School, and in 1833 a History of the Chetham Hospital and Library, which together form the third volume of the "History of the Foundations in Manchester," in three quarto volumes, collected by the successive labours of the rev. J. Gresswell, S. Hibbert, M.D., of Edinburgh, and other authors. Some years since Mr. Whatton announced a biographical work on the Worthies of Lancashire; but subsequently his materials were, in a condensed form, presented to Mr. Baines, by whom they were incorporated in that gentleman's history of the county.

5. At Syracuse, count Platen, a German poet.

6. On his passage from Leith to London, aged 60, captain James Black, R.N. C.B. and K.M.T.

6. The hon. and rev. lord Ward. He succeeded to the barony of Ward on the death of the earl of Dudley, March 5, 1833.

8. In Grosvenor Place, aged 69, the right hon. Thomas Mahon, second lord Hartland, of Stokestown, co. Roscommon (1800), a lieutenant-general in

the army, and lord-lieutenant of the county of Sligo.

15. At the rectory house, Sproughton, near Ipswich, at the age of 94, the rev. George Rogers, who for upwards of half a century was rector of that parish. He was the author of the following publications: "The Place, Object, and Nature of Christian Worship considered, in a Sermon preached at the Archdeacon's Visitation at Ipswich," 1790. 8vo, and Five Sermons on the following subjects; viz., "The true Nature of the Christian Church, and the impossibility of its being in danger;" "The Scripture idea of Heresy;" "Mysteries made plain;" "The Scriptural Doctrine of Atonement;" "The Place, Object, and Manner of Christian Worship, 1818." 12mo. In 1806 he edited the Sermons of his intimate friend the rev. Edward Evanson, in two volumes 8vo., to which he prefixed a memoir of the author.

18. At his residence, Wootton, Brecknockshire, aged 73, major David Price, M. R. A. S. a deputy lieutenant of that county; formerly of the East-India Company's Bombay establishment.

He left behind him the following works, "Memoirs of the principal events in Mohammedan History, from the death of the Arabian Legislator to the accession of the emperor Akbar, and the establishment of the Mogul empire in Hindustan." 3 vols, 4to, 1812.—"An Essay towards the History of Arabia, antecedent to the birth of Mahommed; arranged from the Tavitch Tebry, and other authentic sources." 4to, 1824.—"Memoirs of the emperor Jehanguier, written by himself; translated from a Persian MS."

20. At Frampton, Dorsetshire, of dropsy in the chest, aged 72, lieutenant-general sir Colquhoun Grant, colonel of the 15th hussars. Sir C. Grant, descended from the family of Grant of Gartenbeg, entered the army in September, 1793, as an ensign in the 36th foot. He was promoted to a troop in the 9th light dragoons; to a majority in the 28th light dragoons, February, 1801; and to the lieutenant-colonelcy of the 72nd foot, May 1, 1802. He commanded the latter regiment until 1808, and was present with it at the capture of the Cape of Good Hope, under sir D. Baird, in 1806. He exchanged in August,

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1808, into the 15th hussars, and commanded that corps during sir John Moore's campaign in Spain; he was wounded at the battle of Sahagun, where the 15th greatly distinguished itself under the present marquess of Anglesea. He embarked for Spain in January, 1813, and commanded the hussar brigade at the action of Morales; he was present also at the battle of Vittoria, and served during the remainder of the Spanish campaign. On the 4th of June, 1814, he received the brevet of major-general; and he commanded a brigade at Waterloo, and had five horses shot during the battle. In May, 1835, he was a candidate for Poole, on the advancement of lord Strafford to the peerage; but, polling only 174 votes, was defeated by the hon. Mr. Byng, son of the late member, who obtained 199. In March, 1833, he succeeded to the large property at and near Frampton in Dorsetshire, by bequest of his friend the late Francis John Browne, esq., formerly M.P. for that county. He married a daughter of the rev. John Richards of Long Bridy, county Dorset (sister to the wife of Mr. Browne), by whom he had issue a son and a daughter, who died before him, and another daughter, whose elopement with Richard Brinsley Sheridan, esq., attracted a great share of the public attention in the spring of 1835.

20. At his residence, in the School of Medicine, Paris (of which establishment he was the librarian), in his 63rd year, Patrick Macmahon, M.D.

21. At his house in George-street, Edinburgh, in his 82nd year, the right hon. sir John Sinclair, of Ulbster, county Caithness, bart., a privy councillor, LL.D., a Fellow of the Royal and Antiquarian Societies, &c. &c. He was born at Thurso Castle, in the county of Caithness, in 1754. He was the third but only surviving son of George Sinclair, esq., of Ulbster, heritable sheriff of Caithness (descended from the ancient earls of that county), by the hon. Janet Sutherland, youngest daughter of William Lord Strathnaver, and sister to William sixteenth earl of Sutherland. In 1775 he was admitted a member of the faculty of advocates, and was afterwards called to the English bar at Lincoln's-inn, May 9, 1782. In 1780 he was elected member for the county of Caithness, which he also represented in

the parliaments of 1790, 1802, and 1807; but, that county having only alternately a choice of a member, he sat intermediately for the borough of Lostwithiel in the parliament of 1784, and for Petersfield in that of 1796. In 1786 he undertook an extensive tour in the North of Europe; and in the same year he was created a baronet of the United Kingdom by patent dated February 14, with remainder, in default of the issue male of his body, to the issue male of his daughters respectively. On the 29th of August, 1810, he was honoured with a seat at the board of privy council. In 1791 he procured the establishment of a society, in Scotland, for the improvement of wool; and the very useful board of agriculture, the labours of which are so well known, in 1793;—of both these he was appointed president. His literary works were incessantly issuing from the press for more than half a century. The Statistical Account of Scotland, which brought him into an extended correspondence with upwards of 1,000 individuals, was an unexampled undertaking. His "History of the Revenue of Great Britain," "Thoughts on the Naval Strength of Great Britain," "Considerations on Militias and Standing Armies," "Addresses, &c. to the Landed Interest on various important subjects," "Essays on Agriculture," "An Account of the Northern Districts of Scotland," "The Code of Health and Longevity," his publication of the originals of the Ossianic poems, with an accompanying Dissertation, the Agricultural Practice of Scotland, and Papers on the Bullion question, are among the most elaborate of his works.

22. At Dalby Terrace, City Road, at an advanced age, Edmund Fry, esq., M.D. This gentleman, who was one of the Society of Friends, was originally bred to the medical profession, but was more generally known as an eminent, and perhaps the most learned, type-founder of his time. His foundry was in Type-street, Chiswell-street.

23. At Weymouth, aged 65, Samuel Bartlett Deecker, esq., post captain R.N.

24. At Edinburgh, colonel Alexander Mair, deputy-governor of Fort St. George.

24. At Tunbridge Wells, aged 80, sir John Hamilton, bart., G.C.T.S., a

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### DEATHS—JAN.

lieut.-general in the army, colonel of the 69th foot, and governor of Duncannon.

25. At Carnarvon, after a short illness, colonel Robert B. M'Gregor, formerly of the 88th regiment.

26. At his house at Cheltenham, aged 77, lieut.-general Alexander Dyce, of the Madras army.

27. At Moccas Court, county of Hereford, in his 62d year, sir George Cornewall, bart.

28. At Bideford, Devonshire, aged 73, William Turton, M.D.F.L.S., author of "A Medical Glossary," 1797, 4to. "A General System of Nature, through the three grand kingdoms of Animals, Vegetables, and Minerals; translated from Gmelin's edition of Linnæus," 1801-1806, 7 vols. 8vo. "The British Fauna; or Compendium of the Zoology of the British Islands," 1810, 8vo. "Observations on Consumption, Scrofula, and other Chronical Diseases," 1812, 8vo. "A Conchological Dictionary," 12mo. "Bivalve Shells," 4to. coloured plates.

31. At Epsom, Surrey, aged 68, the right hon. John Percival, fourth earl of Egmont.

*Lately.*—At Naples, Joseph Packwood, esq., a post captain R.N.

tion Bill; at Denbigh, September 16, 1828, a silver medal and premium of three guineas for the best treatise on "the Air Balloon;" at Beaumaris, August 28, 1832, a splendid silver medal and premium of 15*l.* the gift of Sir Edward Mostyn, bart., of Talacre, Flintshire, for the best Welsh poem on "David playing the Harp before Saul." For his ode on "the Courage of Caractacus against the Romans," he received a medal and premium. He published a Welsh Grammar, and also *Diliau Bardas*, &c.

1. At Escot Lodge, Devonshire, aged 77, sir John Kennaway, bart.

— In Bedford-place, aged 72, Lewis Andrew de la Chaumette, esq., F.R.S. F.S.A.

2. In New-street, Spring-gardens, aged 87, Hugh Leycester, esq., LL.D., one of his Majesty's counsel, and a bencher of the Middle Temple. On the death of Foster Bower, esq. in 17—, he was elected recorder of Chester, and he subsequently succeeded sir Richard Perryn as vice-chamberlain of the county Palatine. The recordship he resigned in 1814. At the general election in 1802, he was returned to parliament as one of the burgesses for Milbourne Port, for which he was re-chosen in 1806 and 1807, and sat till the dissolution in 1812.

4. At his house in Heriot-row, Edinburgh, in his 75th year, sir Robert Dundas, of Beechwood, county Midlothian, bart., deputy to the Lord Privy-Seal of Scotland, and formerly one of the principal Clerks of Session.

5. At Boath, county Nairn, sir James Dunbar, knt. and bart., a post-captain in the Royal Navy.

8. In his 50th year, Mr. Charles Lewis, an eminent bookbinder.

10. At Chelsea, aged 82, colonel Robert Hall.

— At his residence, Heath's court, Ottery St. Mary, Devon, in his 76th year, James Coleridge, esq. Mr. Coleridge was the fourth son of the rev. John Coleridge (formerly chaplain, priest, and vicar of the parish of Ottery St. Mary, and master of the Free Grammar School there on the foundation of King Henry the Eighth), by Ann, his second wife. He was born on the 15th December, 1760, at Southmolton, Devon, where his father resided previously to his being presented to the vicarage of Ottery St. Mary. He was

1836.

### JANUARY.

1. Aged 66, at his residence, Nantglyn, near Denbigh, Mr. Robert Davies. He ranked highly among the bards of Wales, and gained at different Eisteddfodau the following silver medals and premiums:—At Caerwys, Flintshire, May 29th, 1798, the Gwyneddigion medal, for the best Welsh poem on "the Love of our Country;" at Wrexham, September 13th, 1820, a splendid silver medal (the chain medal) and premium of 8*l.* for the best Welsh elegy on "the Death of his Most Gracious Majesty King George III.;" at Brecon, Sept. 25. 1822, the Gwyneddigion medal for the best Welsh ode on "the old Customs and Manners of the Ancient Britons;" at Ruthin, March 1, 1825, a silver medal and premium for the best Welsh translation of the celebrated Speech of his late Royal Highness the Duke of York in the House of Lords, against the Roman Catholic Emancipa-

## DEATHS—JAN.

educated at the Free Grammar School of Ottery ; but at the early age of fifteen years, being appointed to an ensigncy in the 6th regiment of infantry, he devoted himself with zeal to the duties of his profession. He continued to serve in this regiment, in which he attained to the rank of captain, until the year 1787, when he retired from it, and was entered on the half-pay of the 29th regiment of infantry. Shortly before his quitting the service, he married Miss Francis Duke Taylor, one of the co-heiresses of Robert Duke, of Otterton, esq., and soon afterwards went to reside at Tiverton, in Devonshire. About the year 1797 he left Tiverton, and went to reside on an estate newly purchased by him, called Heath's court, in Ottery, St. Mary; his principal motive in so doing being that his sons might thereby more conveniently enjoy the benefit of education in the Free Grammar School, of which his brother, the late rev. George Coleridge, had been then recently appointed master. About the year 1800 he was selected by the late lieutenant-general Simcoe, then commanding the western district, as one of his aides-de-camp, and continued as such to the time of the general's death in 1806; and shortly afterwards was appointed to the same situation on the staff of lieutenant-general England, the lieutenant-governor of Plymouth, which post he also continued to hold during general England's life.

12. In King-street, St. James's, aged 60, sir Thomas Harvie Farquhar, bart., a partner in the banking-house of Herries, Farquhar, and Co., a director of the Guardian Insurance Company, and treasurer of the Institute of British Architects.

14. Aged 47, sir William-Henry Cooper, of Chilton-lodge, Berks, bart., of Nova Scotia.

14. At Paris, aged 22, the hon. Anthony Lionel Ashley Cooper, lieutenant R.N., youngest son of the earl of Shaftesbury.

15. The hon. Wm. John Gore, brother to the earl of Anan.

18. In his 85th year, the right hon. sir Henry Russell, knight and bart., of Swallowfield-place, Berks, a privy councillor, and formerly chief justice in Bengal. He was born August 19, 1751 and was the third son of Mr. Michael Russell, of Dover, merchant. He was called to the bar in 1783, and soon afterwards received an appointment as one of his Majesty's judges of the Supreme

court at Calcutta; on the 20th of May, 1797, the honour of knighthood was conferred upon him; and on his having subsequently received the appointment of chief justice of Bengal, he was created a baronet, by patent dated December 10, 1812. He retired from the Indian service in 1815, with a pension of 2,000*l.* per annum, granted by the East-India Company; and on the 27th of June, 1816, was sworn a member of his Majesty's privy council.

18. In Hertfordshire, aged 68, the right hon. and rev. lord Frederick Townshend, rector of Stiffkey with Morston, Norfolk; uncle to the marquess Townshend.

— At Marsh House, Dumfriesshire, Colonel William Mein, C.B. a deputy lieutenant and justice of the peace for that county.

19. At Ewelme, Oxfordshire, in his 42d year, the rev. Edward Burton, D.D., regius professor of divinity in the University of Oxford, canon of Christ Church, and Rector of Ewelme.

Dr. Burton was born Feb. 13, 1794, at Shrewsbury; was educated at Westminster, but was never on the foundation; went to Christ Church as a commoner, of which house he was matriculated, May 15, 1812; and in the following year a studentship was given him by one of the canons. In Easter, 1815, he was examined for his degree, and his name appears, in the list of that term, in the first class both in classics and mathematics. He took his degree of bachelor of arts, October 29, 1815; and soon after was ordained to the curacy of Tettenhall, in Staffordshire.

On the 28th of May, 1818, he proceeded master of arts, and passed the greater part of that and the following year on the Continent.

His work on the antiquities of Rome is perhaps the most useful, and at the same time the least pretending publication concerning that city.

In 1824 Mr. Burton accepted the office of select preacher in the University.

On the 12th of May, 1825, he married Helen, daughter of Archdeacon Corbett, of Longnor Hall, Shropshire; and immediately afterwards he came to reside in Oxford, and soon began to take a prominent part in academical matters. He was nominated a public examiner in 1826. In 1827, on the promotion of Dr. Lloyd to the Bishop-

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ric of Oxford, he became his examining chaplain, and in the following year was chosen to preach the Bampton Lectures.

In the summer of 1829, on the death of Dr. Lloyd, then bishop of Oxford, professor of divinity, Mr. Burton was nominated to succeed him in the professorship.

Dr. Burton's death was premature. He had suffered from a violent cold, with an affection of the chest, for some days; which was aggravated by his performing service on the Sunday week before his death, and by visiting Oxford (for the last time) on the day following. He was appointed a delegate of the University Press on his becoming professor of divinity. The following is a list of his publications: "An Introduction to the Metres of the Greek Tragedians." 8vo. Oxford. This we believe was his first publication: and appeared in 1814. "A Translation of a part of Aristotle's Ethics," afterwards completed by the present head master of Winchester school. 8vo. 1815. "A description of the Antiquities and other Curiosities of Rome." 8vo. Oxford, 1821. Second edition, with additions, 2 vols. 8vo. London. 1828. "The Power of the Keys; or, Considerations upon the Absolving Powers of the Church, &c., 8vo. Oxford, 1823. "Testimonies of the Ante-Nicene Fathers to the Divinity of Christ," 8vo. Clarendon Press, 1826. And again, with considerable alterations, 1829. "The Works of George Bull, bishop of St. David's," 4 vols. 8vo. 1827. "An Enquiry into the Heresies of the Apostolic Age," in eight Sermons, at the Lecture founded by the rev. John Bampton. 8vo. Oxford, 1829, &c.

Upon the death of Dr. Elmsley, Dr. Burton published a new edition of the "Medea and Heracleida of Euripides, with Notes selected from the MSS. of that distinguished scholar." 8vo. Clarendon Press, 1828. When his friend and patron, Bishop Lloyd, died, he superintended an edition of the "Greek Testament, with parallel passages," and the "Canons of Eusebius," commenced by that prelate, 12mo. 1829; as well as completed an edition of "Cranmer's Catechism," the preparations for which had been made by him, though the work was left unpublished. They were both published at the University Press; the latter in 1829, 8vo. He was also at the time of his death

engaged in preparing for the press a series of tracts in defence of the Church of England, more especially against the errors of Popery. "Jeremy Taylor's Dissuasive" was intended to form the first of the series, and was actually being printed; and he had also undertaken the superintendence of a new edition of "Bishop Beveridge on the Thirty-nine Articles," with the addition of that Prelate's observations on the last six Articles, supposed to have been lost, but lately recovered, and now in MS. in the library of the President of Magdalen.

20. At Brussels, Thomas Walker, esq. M.A., barrister-at-law, and one of the magistrates of Lambeth police-office. He was born in the year 1784, and was a native of Manchester, in which town his father and uncle were extensive manufacturers; but, at the outbreaking of the French Revolution, they were mixed up with the political agitation of the day. The father was tried for high treason at Lancaster. Lord Erskine acted as counsel for his defence; and he was acquitted. The uncle left the country, settled at Naples, and died there within the last few years. He was a member of Trinity College, Cambridge, where he graduated B.A. 1808, M.A. 1811. He was called to the bar, at the Inner Temple, May 8, 1812, and was appointed to his magisterial office in 1829. He was the author of a weekly periodical called *The Original*. This paper commenced its brief career in May 1835, and comprised in the whole twenty-six numbers, the last of which appeared on the 11th November last. The subjects treated on are the Art of dining and giving dinners; the Art of Travelling, Clubs, Roasted Apples, &c., &c. Mr. Walker had been in ill health for some short time, and was for that reason travelling on the Continent. A few days before his death he had been residing at the Hotel de Belle Vue, Brussels, and spending his time in visiting and inquiring into the state of the neighbouring prisons and places of confinement. On Saturday (16th Jan.) he was walking with a friend, and on ascending the Montagne de la Cour, towards the hotel, he appeared oppressed, and complained of difficulty of breathing. The next day he attended church and dined at the table d'hôte. On the Tuesday following he had made an appointment to visit the prison at Vilvorde, but found himself too unwell to

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fulfil his engagement. His friends then pressed him to send for medical aid, which he refused. In the evening he ordered some tea, and was not again visited till the next morning, when the waiter entering the room found the tea-things untouched, and Mr. Walker, a corpse. Dr. Tobin, physician to the Embassy, and three other eminent medical men, being called in, examined the body, and signed a declaration alleging the cause of his death to have been pulmonary apoplexy.

21. At Edinburgh, aged 77, the rev. Dr. Thomas Macknight. He was the third son of the late learned Dr. Macknight, the celebrated author of "The Harmony of the Gospels," "The Life of St. Paul," &c. He was inducted to the second charge of South Leith in 1791, from whence he was translated to the College Church, Edinburgh, in 1804; and in 1810 he was removed to the Old Church, of which his father had been minister.

23. At Bath, aged 84, the rev. James Greville, of Lower Belgrave-street, Eaton-square, rector of Peasmore, Berks, uncle to viscountess Combermere, and great uncle to lord Crewe.

24. At Bury, Suffolk, aged 48, Mr. W. P. Scarsgill, author of "The Puritan's Grave," "The Usurer's Daughter," and other novels, also of "Provincial Sketches," and various other compositions.

— At Boulogne-sur-Seine, near Paris, sir John James Scott Douglas, the third baronet of Springwood-park and Long Newton, county Roxburgh.

25. The right hon. viscount Henry Wood.

27. In London, aged 77, John Ferrier, esq., Admiral of the Blue.

— Aged 47, her highness the grand duchess of Hesse Darmstadt, by birth the princess Wilhelmina Louisa, daughter of the late hereditary prince Louis of Baden.

28. At Early Court, near Reading, aged 90, the right hon. William Scott, baron Stowell, of Stowell-park, county Gloucester, a privy councillor, master of the faculties, a bencher of the Middle Temple, D.C.L. F.R.S. and S.A., &c., &c. He was born at Heworth, in the county of Durham, on or about the 18th of October, 1745, (O.S.) the memorable year of the Rebellion in Scotland. He was the eldest son of William Scott, a coal fitter and merchant in Newcastle-

upon-Tyne, and Jane his wife, daughter of Mr. Henry Atkinson. The whole country, particularly in the North, was then in a state of the greatest alarm, and the approach of the rebels to Newcastle was almost daily expected; the town-walls were planted with cannon, the gates were closed and fortified; and the consternation was greatly increased on the arrival of the news (about the 22nd of September) of the defeat of general sir John Cope, by the rebel forces, at the battle of Preston Pans. Mrs. Scott was at this time far advanced in pregnancy, and the family were very desirous to have her removed out of the town; but egress, in any common way, was next to impossible; her residence was in Love-lane, a narrow street adjoining to the public Quay; and the town-wall, at that time, ran along the Quay, between Love-lane and the river Tyne. In this emergency it was contrived to have a sort of basket, in which Mrs. Scott was placed, and lowered down, from the top of the wall, on the outside, to the Quay, where a boat was in readiness to receive her, and by which she was conveyed down the river to Heworth, a village about three miles below Newcastle, but on the south side of the Tyne, and in the county of Durham; and there she was, shortly after, safely delivered of twins, a son, named William (lord Stowell), and a daughter named Barbara. The two children were christened, and the entry in the register book at All Saints church, in Newcastle (the parish in which the family resided), is in the following singular manner:—

"Baptized in October, 1745.

"N.B. 18th. William and Barbara, twins of William Scott Hoastman.

"Certify'd by the Revd. Mr. Leonard Rumney, Curate of Jarro and Heworth, occasioned by the present Rebellion."

Lord Stowell received the first rudiments of his classical education (as did his younger brother the earl of Eldon) at the Royal Grammar School, in Newcastle-upon-Tyne, under the tuition of the rev. Hugh Moises, A.M. Mr. Moises soon discerned the talents of his two young pupils, and set himself to promote and forward their education, and render them every service it was in his power to bestow. In 1761 Mr.

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Scott stood for and obtained a scholarship at Corpus Christi College, in the University of Oxford. On the 20th of November, 1764, he took his degree as a bachelor of arts, being then a member of Corpus; but he soon removed to University, having become a successful candidate for a fellowship in that college, where he was elected probationer December 13, 1764, and admitted actual fellow June 14, 1765. On the 22nd of March in that year, Mr. Scott, then only a bachelor of arts, and in his twentieth year, was appointed one of the tutors of his college; and his indefatigable exertions in that office, as well as the rapidly increasing reputation of University College, proved the wisdom of the selection. On May 30, 1772, proceeded bachelor in civil law, having at that time, as may be supposed, determined on pursuing the profession of the law, and entered of the Middle Temple. In 1773 he was elected by the members of convocation to the office of Camden's reader of ancient histories, then vacant by the death of Mr. Warneford. This office he retained till the year 1785. His lectures were attended by the largest concourse of academics ever known on any similar occasion. About the year 1776, Mr. Scott retired from his tutorship, and devoted himself to severe study in that branch of the legal profession in which he became so eminently distinguished. But he neither relinquished his residence in Oxford, nor did the interest he took in every thing connected with its welfare and reputation at all diminish. It is to the exertions of lord Stowell that the Bodleian library owes much of its present prosperity. The fund for the purchase of books was at that period so small as to be altogether inadequate to furnishing the library with even the foreign journals, much less to take advantage, at the public sales of several eminent libraries both here and abroad, of storing the shelves of the public library with the treasures about to be dispersed. At the suggestion of Mr. Scott, an additional fund was created, by the imposition of a small annual payment on every individual who can claim the use of the library, as well as another sum to be paid on matriculation; and in order to create a present purse for the purchase of the rarities of the Pinelli and Crevenna sales, a large sum was borrowed from such mem-

bers and friends of the university as felt inclined to forward this object, by the loan of monies, without interest, to be charged on, and finally repaid out of, the fund thus to be created. On the 23rd of June, 1779, he took the degree of doctor in civil law as a grand compounder; and soon after commenced his career as an advocate in the civil law courts. Here he rose to the highest eminence with a rapidity almost unexampled. In 1787 he was appointed king's advocate-general, shortly after judge of the Consistory Court of London, vicar-general of the province of Canterbury, and master of the faculties. He was knighted September 3, 1788, and in 1798 became judge of the High Court of Admiralty, and was sworn in as a member of the privy council. In 1790 he was chosen M.P. for Downton, and on the 23rd of March, 1801, was unanimously elected as the representative in parliament for the university. This office he continued to fill until called to the House of Lords, on occasion of the coronation of King George the Fourth, by patent dated July 17, 1821, at the same time when his brother lord Eldon was advanced to an earldom. He retired from the Court of Admiralty in 1828; and from his other judicial appointments about the same time. Lord Stowell was twice married: first, in April, 1782, to Anna-Maria, eldest daughter and co-heiress of John Bagnell, esq., with whom he acquired the estate of Early Court. By this lady, who died September 4, 1809, he had issue one daughter and one son. The latter, the hon. William Scott, formerly M.P. for Gatton, died unmarried only two months before his father. His sister was first married in 1809 to lieutenant-col. Thomas Townsend, who died in 1820; and she became in 1823 the second wife of lord viscount Sidmouth. Lord Stowell's second alliance was with Louisa-Catherine dowager marchioness of Sligo, the third daughter of the celebrated admiral Richard Earl Howe, and mother of the present marquis of Sligo, now governor of Jamaica. Lord Stowell's will, which is dated April 30, 1830, was proved by viscount Sidmouth and W. Chisholm, esq., two of the executors, lord Eldon the other, having renounced the probate. The property was sworn under 250,000*l.* Lady Sidmouth, his only surviving child, takes a life-interest in the whole property, real and personal,

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subject to the legacies, annuities, and debts. The landed estates afterwards devolve to his great-nephew lord Encombe; and the personalty to the children of Mrs. Forster, his lordship's niece, she being the only daughter of Mrs. Henry Scott, the second brother, who died in 1779.

30. At his seat at Edstone, in the country of Warwick, in his 76th year, John Phillips, esq.

— At his seat Nantyr-hall, Denbighshire, in his 64th year, Richard Tyrwhitt, esq., a magistrate and deputy lieutenant of that county, and recorder of Chester; youngest brother of the late Sir Thomas Tyrwhitt Jones, bart.

— John Giffard, esq., half brother of the late Thomas Giffard, esq., of Chillington, Staffordshire.

## FEBRUARY.

1. At Chillington, captain Robert Edward Giffard, 10th hussars, youngest son of the late Thomas Giffard, esq., and lady Charlotte Courtenay, sister to the late earl of Devon.

2. In Dublin, aged 78, the hon. Sir, Thomas Pakenham, G.C.B., Admiral of the Red; great-uncle to the earl of Longford.

— After a lingering illness of several months, sir James Colquhoun, the ninth baronet, of that ilk, and of Luss.

3. At Rome, aged 85, madame Maria Letitia Bonaparte, mother of Napoleon.

— At Naples, aged 59, sir William Gell, knt., M.A. F.R.S. and F.S.A. a member of the Society of Dilettanti, &c., &c. This classical antiquary was the younger son of Philip Gell, of Hopton, county Derby, esq., by Dorothy, daughter and co-heiress of Wm. Milnes, of Aldercar-park, esq., who was secondly the wife of Thomas Blore, esq., F.S.A., the historian of Derbyshire. Sir William was formerly a Fellow of Emanuel College, Cambridge, where he graduated B.A., 1798, M.A., 1804. His learned and valuable works were produced in the following order:—"The Topography of Troy and its Vicinity," illustrated and explained by drawings and descriptions, 1804, fol. "The Geography and Antiquities of Ithaca," 1808, 4to. "The Itinerary of Greece, with a Commentary on Pausanias and Strabo, and an Account of the Monuments of Antiquity at present existing

in that country," 1810, 4to. "The Itinerary of the Morea; being a particular description of that Peninsula, with a map of the routes," 1817, 8vo. "Pompelana; or Observations upon the Topography, Edifices, and Ornaments of Pompell." By sir William Gell and J. P. Gandy, esq., 1817-1819, 8vo. Second volume, 183—, 8vo. It was this work, equally beautiful and interesting, which made his name most extensively known. "Attica," 1817, folio. "Narrative of a Journey in the Morea," 1823, 8vo. "The Topography of Rome, 183—, 8vo. He received the honour of knighthood on a return from a mission to the Ionian islands, May 14, 1803. In 1820 the late queen Caroline appointed him one of her chamberlains, in which capacity he attended daily during her "Trial" in the House of Lords. Subsequently to that period, sir William resided altogether in Italy. He had a small house, surrounded by a pleasant garden, at Rome; and a picturesque residence at Naples, which reminded the visitor of some of his own drawings of Pompeli. In 1834, sir William's infirmities had increased so much, that he was compelled to give up his residence at Rome, and remain stationary at Naples.

6. In Bedford-square, aged 71, John Bell, esq., M.A., one of his Majesty's counsel, and a bencher of Gray's-Inn. Mr. Bell was a native of Cumberland. He was educated at Trinity college, Cambridge, where he became Fellow; he was the Senior Wrangler and first Smith's prizeman of the year 1786, and proceeded M.A. in 1789. He was called to the bar by the Hon. Society of Gray's-Inn Feb. 1, 1792; and was nominated a King's counsel in Easter Term, 1816. For many years he held the highest rank at the Chancery bar for profound learning and eminent acuteness. He retained throughout his whole professional career his native Cumberland dialect in all its unalloyed and broad provincialism. He laboured from his infancy under a distortion of one of his feet, which made walking a painful operation. Another singularity attached to him was, the extraordinary illegibility of his handwriting. In reference to this defect he used facetiously to say, when asked what sort of a hand he thought he wrote, that he had three sorts—one that he himself could read—one that his clerk could read—

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and one that neither he nor his clerk could read.

7. At Nashville, near Kanturck, county Cork, Nicholas Philpot Leader, esq., M.P. for the town of Kilkenny in the parliaments of 1831 and 1832.

7. At Madrid, Munoz, the ex-body-guardsmen, the favourite of the dowager Queen of Spain. He had shown unequivocal proofs of insanity, occasioned by an attempt to poison him.

8. At Southfleet rectory, Kent, aged 90, the rev. Peter Rashleigh, rector of that parish, and fifty-four years vicar of Barking, Essex. He communicated to the Society of Antiquaries in 1801, an account of antiquities found at Southfleet, (printed in the *Archæologia*, vol. xiv.; and in 1802, an account of some further discoveries, at the same place.

9. At Chelsea-park, after a few days' illness, aged 70, lady Frances Elizabeth Wright-Wilson, only surviving sister to the marquess of Aylesbury. Lady Frances Wilson took the name of Wright, in 1814, under the following circumstances:—A professional gentleman waited on her ladyship one morning, and informed her that a Mr. Wright, just deceased, had bequeathed to her the residue of his fortune, on condition of her assuming his name. This singular announcement appeared the more so to the lady, as she had no acquaintance with any one bearing the name. But on mentioning this to Mr. Wright's man of business, he replied that he was well aware of his late client being totally unknown to her ladyship, he having only seen her at the Opera. So strange an assertion did not dispel the astonishment of lord Aylesbury's family; and on the lawyer stating that Mr. Wright was not yet interred, but might still be seen by lady Frances, she with her brother consented to accompany the stranger. On entering the apartment where the deceased lay, her ladyship instantly recognised the features of an elderly gentleman, who for a length of time had been in the habit, every Opera night, of taking his station in the pit directly under lady Aylesbury's box, and of regarding lady Frances with a degree of pertinacity which she had found extremely irksome. Mr. Wright was a barrister of the Inner Temple, and was a younger son of sir Martin Wright, a judge of the King's Bench, who died in 1755. He came into his

property unexpectedly on the death of an elder brother, and subsequently lived a perfect recluse, occupying at his death a small lodging in Pinlicko. His principal estate was at Barton Stacey, in Hampshire.

10. At Panton-square, colonel James Robinson, of the Portuguese army, formerly of his Majesty's 83rd and 34th regiments, several years attached to the staff of field marshal lord Beresford.

12. Aged 23, Francis Jessopp, esq., of Mount Jessopp, high sheriff of county Longford. He had been sworn into that office only three days; and terminated his life by suicide.

15. At Ardsallagh, county Waterford, of a billous fever, Dominick Ronayne, esq., M.P. for Clonmel. Mr. Ronayne was a member of the Irish bar, and a cousin of Mr. O'Connell.

— At Clapham, in his 90th year, John Gillies, LL.D. F.R.S. F.A.S., member of many foreign societies, and historiographer to his majesty for Scotland. Dr. Gillies was born at Brechin, in the county of Forfar, on the 18th of January, 1747. He was educated at Glasgow, where, when under twenty years of age, he was chosen to teach the Greek class on the illness and decline of the then aged professor of Greek in that university. He soon resigned that appointment, and came to London, with the view of making literature his sole pursuit; and, in furtherance of this object, he spent some time on the Continent to acquire facility in the modern languages. Soon after his return, John, the second earl of Hopetoun, to whom he had been introduced by his eldest son, lord Hope (the late James Earl of Hopetoun), invited him to travel with his second son, the hon. Henry Hope, and induced him to relinquish some honourable and lucrative literary engagements, by settling upon him, in the year 1777, an annuity for life. Henry Hope died abroad, and a few years afterwards Dr. Gillies went again to the Continent with the younger sons of the same Earl of Hopetoun, John and Alexander Hope; the former being the late John Earl of Hopetoun, better known to the world by his military services as sir John Hope, for which he was created viscount Niddry; and the latter, sir Alexander Hope, G.C.B., lieutenant-governor of Chelsea Hospital. Mr. Gillies returned with his companions about the year 1784, when he

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resumed his literary labours, and took his degree of LL.D. previously to the publication of the first part of his Grecian History. Upon the death of his friend Dr. Robertson, he was appointed historiographer to the king for Scotland. In 1794 he married. He continued his literary industry to a late period of life. The following is a list of the works of Dr. Gillies:—"Orations of Isocrates, and those of Lysias, translated; with some account of their lives, and a discourse on the history, manners, and character of the Greeks, from the conclusion of the Peloponnesian war, to the battle of Chæronea," 1778, 4to. "History of Ancient Greece, its colonies and conquests, from the earliest times till the division of the Macedonian Empire in the East; including the history of philosophy, literature, and the fine arts." 1786., two vols. 4to., and four vols. 8vo. "View of the Reign of Frederic II., of Prussia, with a parallel between that Prince and Philip II. of Macedon." 1789. 8vo. "Aristotle's Ethics and Politics, comprising his practical philosophy, translated from the Greek; with notes, the critical history of his life, and a new analysis of his speculative works." 1797, two vols. 4to. Second edition, 1804, two vols. 8vo. "Supplement to the Analysis of Aristotle's Speculative Works." 1804. 4to. "History of the World, from Alexander to Augustus," 1807-10, two vols. 4to. "Translation of Aristotle's Rhetoric," 1823.

19. Aged 86, the rev. Offley Crewe, rector of Astbury, Cheshire, and Muxton, Staffordshire; first cousin to lord Crewe.

— In Upper Harley-street, aged 28, John Cunningham, esq., barrister-at-law, Oxford, eldest son of Samuel Cunningham, esq., of Jamaica. He was B.A. of University college, Oxford, and was called to the bar at the Middle Temple, May 3, 1833.

21. At Bishop's Auckland, aged 70, the right rev. William Van Mildert, D.D., Lord Bishop of Durham, count Palatine and Custos Rotulorum of the Principality of Durham, &c., &c. Dr. Van Mildert was the grandson of Abraham Van Mildert, of Amsterdam, who settled as a merchant in London, and resided in the parish of Great St. Helen's. His son Cornelius, who resided at Newington, Surrey, and died in 1799, had by Martha, daughter of Wil-

liam Hill, of Vauxhall, esq., three sons, of whom the second and sole survivor was the bishop. William Van Mildert was born in London in the year 1765. He received his education at Merchant-tailors' school, and at Queen's college, Oxford, where he graduated B.A. 1787, M.A. 1790, B. and 1813. D.D. In Trinity term, 1788, he was ordained deacon on the curacy of Sherbourn and Lewknor, in Oxfordshire. He afterwards became curate of Witham, in Essex, and during his residence at that place, he married Jane, daughter of the late general Douglas, who survives him without issue. In April, 1795, he was presented by his cousin-german and brother-in-law Cornelius Ives, esq., to the rectory of Bradden, in Northamptonshire, from which he was removed at the close of 1796 to the rectory of St. Mary-le-Bow, in the city of London. That living having formerly consisted of the separate benefices of St. Mary, St. Pancras, and Allhallows, the patronage is divided, the archbishop of Canterbury enjoying two turns, and the Grocers' Company the third. Mr. Van Mildert happened to be chaplain to the Grocers' Company, and being thus brought under their notice, was nominated to the living. Early in his city residence he was appointed to preach lady Moyer's lecture in St. Paul's cathedral. Between the years 1802 and 1805 he preached the lecture founded by the right hon. R. Boyle: and, as a token of public approbation, the vicarage of Farningham, Kent, was conferred upon him by archbishop Sutton. In April 1812 he was elected by a large majority of the benchers to the preachiership of Lincoln's Inn. In September, 1813, he was appointed by lord Liverpool to be Regius Professor of Divinity at Oxford. In Lent and Easter terms, 1814, Dr. Van Mildert preached the Bampton lecture, to which he had been appointed by the heads of houses before he became professor. In March, 1819, he was made bishop of Llandaff; and dean of St. Paul's in the following year. He then resigned his station at Oxford, and divided his time between London and Llandaff. In March, 1826, on the death of Dr. Shute Barrington, he was placed in the episcopal chair of Durham. In 1823, Bishop Van Mildert put forth an edition of "Waterland," in ten volumes, from the Oxford press, and he rendered his labour complete by

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and he rendered his labour complete by prefixing a masterly "Review of the Life and Writings of the author." This book shows the progress of the Trinitarian controversy from the death of bishop Bull, in 1709, to the period of Waterland's death. The two volumes of sermons preached at Lincoln's Inn, and published in 1831, are perhaps more generally known than the rest of the bishop's works, and many of them are as fine specimens of sermons for a learned audience as the English language can supply. There are also several single sermons of the bishop's in print, not included in these volumes, particularly one on the assassination of Mr. Perceval, and another of very great merit, preached before the Society for the Propagation of the Gospel.

23. At Homer, near Hereford, John Clarke Whitfield, doctor and professor of music in the University of Cambridge.

25. In Margaret-street, Cavendish-square, aged 68, Mr. Barak Longmate, heraldic engraver, son of Mr. Barak Longmate, a scientific genealogist and heraldic engraver, who died July 23, 1793. The late Mr. Longmate succeeded his father as editor of "Lowndes and Stockdale's Peerage." About 1801 he took church-notes in many of the parishes in Gloucestershire, with a view to the continuation of Bigland's "Historical and Monumental Collections for Gloucestershire;" but owing to the fire at Mr. Nichols' Printing-office, in 1808, the work was abandoned; and the MSS. are now deposited among the collections of sir Thomas Phillips, at Middlehill.

26. Aged 73, Mr. Daniel Boileau, author of many useful elementary works in the French and German languages. He latterly suffered much both from disease and poverty, and terminated his life by cutting his throat at the Royal Institution.

27. Mrs. Whitlock, formerly an eminent actress, and sister to Mrs. Siddons. She was born at Warrington, in Lancashire, on the 2nd of April, 1761, being the fifth child of Mr. Roger Kemble, the provincial mahager. In early life, Miss E. Kemble was apprenticed to a mantua-maker. But the wonderful success of Mrs. Siddons induced her and her sister Fanny (the late Mrs. Twiss), to try the stage. Miss E. Kemble therefore, after having had some little practice in the country, made her first

appearance at Drury-lane Theatre on the 2nd of February, 1783, as Portia, in the "Merchant of Venice." It was in the same year that her brothers, John and Stephen Kemble, made their *debuts* in London. On the 1st of March she repeated Portia, and shortly afterwards repaired to York, where she had previously accepted an engagement. The next season she performed at Drury-lane in a variety of characters, and, in the summer following, joined Mr. Colman's company at the Little Theatre in the Haymarket. On the 21st of June, 1785, Miss E. Kemble was married to Mr. Charles Edward Whitlock, at that time manager of a very respectable company of comedians in the North of England, and joint proprietor and shareholder in the Newcastle, Sunderland, Lancaster, and Chester Theatres. She appeared (as Mrs. Whitlock) at the Haymarket, in 1792, and the next year accompanied her husband in a professional expedition to America, where, in 1799, he died. On the other side of the Atlantic, Mrs. Whitlock was very popular, attained eminent success, and realised a fortune. She played principally at Charleston and Philadelphia, and frequently before general Washington, from whom she extorted many a tear. On her return to England she once more appeared at Drury-lane, in 1807, but acted only one night.

28. At Fordington, Dorsetshire, in his 82nd year, William Morton Pitt, esq., of Kingston house, in the isle of Purbeck, formerly, during thirty-six years, one of the Knights in Parliament for the county of Dorset. In 1798, he published an address to the landed interest on the deficiency of habitations and fuel for the use of the poor: and he was the author of several communications to the Bath agricultural papers, and Young's annals of agriculture.

29. At Torquay, aged 27, Joseph Anstice, esq., M.A., late student of Christ Church, Oxford, and first Professor of Classical Literature in the King's College, London. He was educated at Westminster School, and thence elected to Christchurch in 1827. He obtained the Newdigate Prize in 1828, the subject being "Richard Cœur de Lion." In 1834, he gained the bachelors' Prize for the English Essay on "The Influence of the Roman Conquests upon Literature and the Arts in Rome."

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He graduated B.A. February 3, 1831, M.A. April 2, 1835.

*Latelly.*—Mrs. Elizabeth Pawley, of Braunstone-gate, Leicester, aged 106.

## MARCH.

3. At Hawkechurch, aged 103, Mr. James Moly. He was in London at the time of the rebellion in 1745, and saw the trained bands reviewed by King George the Second.

5. At Paris, Richard Graves, esq., senior superannuated rear-admiral, late of Hembury Port, county of Devon.

— Near Paris, in his 40th year, the hon. Arthur Gough Calthorpe, youngest son of the late and brother to the present lord Calthorpe.

— At Norwich, aged 68, William Taylor, esq., the friend and biographer of Dr. Sayers, the associate of Dr. Southey, Coleridge, and other distinguished characters. He excelled in a critical knowledge of the great writers of Germany. He published a translation of Lessing's "Nathan the Wise;" a "Review of German Poetry," 3 vols. 8vo., &c., and was a frequent contributor to the "Monthly Review," &c.

6. At East Sheen, aged 85, Montagu Burgoyne, esq.; great-uncle to sir John Montagu Burgoyne, bart. Mr. Burgoyne was born July 19, 1750, the younger son of sir Roger Burgoyne, the sixth bart. of Sutton, county Bedford, by lady Frances Montagu, eldest daughter of George earl of Halifax, and sister and co-heiress to George, last earl of Halifax. During the administration of lord North, he obtained an appointment to the sinecure office of Chamberlain of the Till-office in the Exchequer, the salary of which was 1,660*l.*, and which he continued to enjoy until the recent reduction of that establishment. He was also for many years one of the verdurers of Epping Forest, an office in the election of the freeholders of the county; and resided at Mark-hall, near Harlow. Mr. Burgoyne was the author of the following pamphlets:—"A Letter to the Freeholders and Inhabitants of Essex on the state of Public Affairs, and the necessity of a Reform in Parliament," 1809. "Account of the proceedings at the late Election for Essex," 1810. "A Letter to John Conyers, esq., of Copped-hall," 1811. "Speech to the Freeholders of Essex on the last

day of the Election, 1812. "A collection of Psalms and Hymns, from the most approved versions, set to Music for one, two, or three voices; the object of which is to promote Congregational Psalmody." "An Address to the Governors of the Public Charity Schools, pointing out some defects, and suggesting remedies, with an additional Preface, and a particular account of the Potton School of Industry; connected with Allotments of Land provided for the Labouring Poor in the counties of Bedford, Huntingdon, and Cambridge," 1830.

10. At Cullumpton, Devon, Mrs. Murch, wife of Mr. Murch, of that place, and aunt to the late right hon. G. Can-ning.

— At Southampton, Sarah, the wife of Francis Mundy, esq., of Markeaton, late M.P. for Derbyshire.

12. In Prince's-street, aged 28, William Dobson, esq., M.R.C.S. lecturer of comparative anatomy at the Westminster School of Medicine, author of "An Experimental Inquiry into the Structure and Function of the Spleen," and editor of "Renshaw's London Medical and Surgical Journal," from the 136th number to the conclusion of the work.

12. At Godminster, aged 83, the hon. Stephen Digby Fox Strangways, uncle of the present earl of Ilchester; for many years the senior lieut.-colonel in the army.

14. In Lisson-Grove South, at an advanced age, John Mayne, esq. author of "The Siller Gun," and other poems. He was born in Dumfries, where he received his education at the Grammar-school of that town. At a very early age, he became a printer, and wrought on a weekly newspaper called the "Dumfries Journal," conducted by Professor Jackson. Before long, however, he left Dumfries for Glasgow, accompanying his father's family, who took up their residence on a property they had acquired at Greathead near that city. In 1777, the original of the "Siller Gun" was written; it consisted of only twelve stanzas, printed at Dumfries on a small quarto page, which were shortly after extended to two cantos, and reprinted there. It became so popular, that other editions quickly followed: it increased to three cantos, and was again put forth in 1808, with material alterations and additions, extending it to four

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cantos, with notes and glossary. Another elegant edition, enlarged to five cantos, was published by subscription within the present year (1836). The poem describes the celebration of an ancient custom, which was revived in 1777, of shooting for a silver gun on the King's birth-day. For some time after the first publication of the "Siller Gun," Mr. Mayne corresponded with Ruddiman's Magazine, a weekly miscellany, in which "Hallow'en" and other minor efforts won him favour with Telford the late civil engineer, who was a native of Dumfries, and in his youth much attached to the rustic muse. While at Glasgow, Mr. Mayne passed through a regular time of service in the house of the Messrs. Foulis. Afterwards he came up to London. For many years, he was printer, editor, and joint proprietor of the "Star" evening paper. Beside the "Siller Gun," his only other work of length is a descriptive poem of considerable merit, called "Glasgow;" which was published in 1803, illustrated with notes.

— At Hackwood Park, the seat of lord Bolton aged 82, the right hon. Maria lady Dorchester, grandmother of the late and present lord.

— At Gillingham, aged 41, Louisa Georgiana, wife of the rev. R. G. Curtois, eldest daughter of lieutenant-general sir D. Widdrington, K.C.H.

— At Lees Court, in Kent, aged 43, the right hon. Lewis Richard Watson, the third lord Sondes of that place (1760).

15. At Gainford, Durham, aged 90, Marmaduke Cradock, esq. He was the only son of the second marriage of Sheldon Cradock, esq., of Hartforth, who died in 1752, and half-uncle to col. Sheldon Cradock, formerly M.P. for Camelford. He was twice married; and by his first wife, Margaretta, daughter of Samuel Waddington, esq., by Sarah, daughter of sir John Tyrwhitt, bart., left issue two sons, Joseph Cradock, esq., of Carey-street, and Charles Cradock, esq., of Paternoster-row, bookseller, who both have families.

— At Swerford-park, Oxfordshire, lieutenant-general sir Robert Bolton, K.C.H., colonel of the 7th dragoon guards, and a member of the consolidated board of general officers.

20. In Charlotte-street, Fitzroy-square, aged 70, Mrs. Ross, formerly well-known as a portrait painter, and

equally successful in historical subjects. She was sister to the late Anker Smith, engraver, and niece to John Hoole, the translator of "Ariosto."

21. At Grenada, his excellency lieutenant-colonel John Hastings Mair, K.H. and C.T.S., lieutenant-governor of that Colony.

22. At his house in Pulteney-street, Bath, aged 88, the right rev. Christopher Butson, D.D. (of Oxford and Dublin), Lord Bishop of Killaloe, Kilfenora, Clonfert, and Kilmacduagh. Dr. Butson was educated at New college, Oxford, where he was elected Fellow, and obtained, in 1771, the Chancellor's prize in English verse on the subject of "Love of our Country."

23. In Welbeck-street, aged 80, Edward Nugent, esq., lieutenant-colonel on the East-India Company's Bombay establishment, and afterwards of the Buckinghamshire militia, and a magistrate and deputy-lieutenant of that county.

25. At Glen Stuart, in her 93rd year, Dame Grace Douglas Johnstone, of Locherby, relict of sir William Douglas of Kelhead, bart., and mother of the marquess of Queensbury.

— At his residence at Gateacre, near Liverpool, in his 37th year, Henry Roscoe, esq., barrister-at-law. Mr. Henry Roscoe was the youngest son of the late William Roscoe, the poet, and well-known author of the *Lives of Lorenzo de Medici and Leo the Tenth*; and in person and manners, most of all the family resembled his father. He was called to the bar at the Inner Temple in February, 1826, and chose the Northern Circuit and Cheshire and Liverpool Sessions, where he was well known through family connexions. He was assessor of the Mayor's Court at Liverpool, and one of the Municipal Corporation Commissioners. He published the following professional works:— 1. "A Treatise on the Law of Actions relating to Real Property, 2 vols. royal 8vo. 1825." 2. "Digest of the Law relating to Bills of Exchange, Promissory Notes, and Bankers' Checks, 12mo. 1821." 3. "Digest of the Law of Evidence in Criminal Cases, 12mo. 1835." 4. "Digest of all the reported Decisions in all the Courts, for 1834." 5. "The same for 1835." 6. "Digest of the Law of Evidence on the Trial of Actions at Nisi Prius;" the fourth edition of which is now in the press. 7. "Reports in the Courts of Exchequer and

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Exchequer Chamber, by Crompton Meeson and H. Roscoe, from Trinity 4 William IV. to Hilary 5 William IV. vol. 1. royal 8vo. 1835." In 1826 he edited North's Lives of the Lord Keeper Guildford, the hon. Sir Dudley North, and the rev. Dr. John North. He was also the author of Lives of Eminent British Lawyers, a volume of Lardner's Cyclopædia; and, in 1833, published a very interesting Life of his late eminent Father, in two volumes octavo.

28. At the residence of his son, Earl's Terrace, Kensington, in the 82d year of his age, the rev. Richard Valpy, D.D. F.A.S., rector of Stradishall, Suffolk, and late Head Master of Reading School. This distinguished scholar and divine was born on the 7th of December 1754, in Jersey. He was the eldest of six children, all of whom died young, with the exception of the late rev. Edward Valpy, of Norwich. Having been sent early to one of the foundation schools in his native island, he was removed at the age of ten to the college of Valognes in Normandy. Here he remained five years, during which he acquired the elements and accent of the French language, which he ever afterwards spoke with the greatest ease and purity. At fifteen he was sent to the grammar school at Southampton, where he obtained the prize then annually given to the boys by Mr. Hans Stanley, one of the members for the borough. From Southampton he went to the University of Oxford, having been appointed to one of the scholarships founded in Pembroke College, for the natives of Jersey and Guernsey, by Morley Bishop of Winchester. After taking the degree of B.A. in the usual course, Dr. Valpy was ordained in 1777 by lord James Beauclerk, then bishop of Hereford. From the University he removed first to Bury St. Edmund's, and afterwards, in October, 1781, to Reading, where he had been unanimously elected head master of the school founded by king Henry VII. In this new sphere Dr. Valpy spent the greater portion of his subsequent life; so much, indeed, that his name is identified with that of the school and town in which he lived. On establishing himself at Reading, he found the school in so low a state as to be almost useless both to the inhabitants and the public. To elevate it was the first wish of his youth, and to maintain it was the last object of his age. The

success of his exertions is known from the celebrity attained by Reading School under his management. Dr. Valpy was twice married; first, in June 1778, to Martha, daughter of John Cornelius, esq., of Caundé in the island of Guernsey; and, secondly, in May 1782, to Mary, daughter of Henry Benwell, esq., of Caversham, in the county of Oxford. He survived both these ladies, and left a family of eleven children.

29. At Bredon Rectory, Worcester, in her 88th year, Elizabeth, the widow of the rev. Barfoot Colton, canon residentiary of Sarum, and mother of the late rev. Caleb Colton, author of "Lacon."

30. In Long-acre, aged 71, Mr. Henry Lee, for many years the proprietor and manager of Theatres in the West of England, author of various poems, &c., including "Caleb Quotem and his Wife, an opera." 1810, 8vo.

31. At Hastings, aged 58, the hon. and right rev. Henry Ryder, D.D. lord bishop of Lichfield and Coventry, a Prebendary of Westminster; brother to the earl of Harrowby. His lordship was born July 21, 1777, and was the youngest son of Nathaniel first lord Harrowby, by Elizabeth, daughter and co-heiress of the right rev. Richard Terrick, lord bishop of London. He was entered of St. John's college, Cambridge, where he graduated M.A. 1798, D.D. 1813; and was in 1801 presented by the king to the rectory of Lutterworth, Leicestershire. In 1805, he obtained, in addition, the vicarage of Claybrook in the same county, which is also in the patronage of the Crown. In 1812, Dr. Ryder was appointed to the deanery of Wells, which he exchanged with Dr. Goodenough in 1831 for a prebendal stall in Westminster. In 1815 he was consecrated bishop of Gloucester, on the translation of Dr. Huntingford to the see of Hereford; and on the death of the late venerable earl Cornwallis, in January, 1824, he was translated to the bishoprick of Lichfield and Coventry. Bishop Ryder published several single sermons among which were the following. "For the Leicester Infirmary 1806;" "At the bishop of Lincoln's Visitation at Leicester, 1806;" "On the propriety of preaching the Calvinistic Doctrines," 1808; "On the doctrines of Final Perseverance and Assurance of Salvation."

— At his lodgings in North-street, Westminster, in his 63rd year, Edward

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Southwell Ruthven, esq., M.P. for the city of Dublin, son of the rev. Dr. Trotter, and brother to John Barnard Trotter, esq., who was Private Secretary to Mr. Fox in 1806, and in 1811, published a volume of memorials of that statesman. He assumed the name of Ruthven in 1800, to commemorate his descent or supposed descent from a Perthshire family.

— At Stutgardt, aged 74, Frederick Weisser, a well known humorous German writer, and Councillor of Finance.

*Lately.* At Creech Grange, Dorset, in his 100th year, Mr. Thomas Abbott, farmer.

*Lately.* At Vienna, the duke of Litta. He was the head of a deputation, which, in 1805, offered the iron crown to Napoleon, and thus struck the last blow to republicanism in Italy.

*Lately.* At Knaresborough, aged 101, Edward Day, one of the constables who arrested Eugene Aram, eighty years ago.

— In Kilmainham Hospital, John Henderson, pensioner. He completed his 106th year, on the 5th of last March. He was present at the battle of Culloden; the capture of Quebec, under Wolfe; of the Havannah, under Pocock; the battles of Bunker's Hill, &c.

*Lately.* Captain Felix M'Donough, the author of a work entitled "The Hermit in London," which originally appeared in weekly numbers in the Literary Gazette, and afterwards in 3 vols. 182.. Also of "The Hermit in the Country," and many other works of light literature.

— Mr. R. Seymour, the caricaturist, who, it appears, with all his relish for, and quick perception of, the humorous, was subject to dreadful fits of melancholy and despondency, in one of which he committed suicide. His illustrations of "The Book of Christmas," and "The Library of Fiction," gave good promise of his becoming a distinguished artist. He supplied, from its commencement to his death, a period of nearly five years, the political sketches of the weekly sheet called "Figaro in London."

## APRIL

2. At the Cape of Good Hope, aged 78, William Wilberforce Bird, esq., late comptroller of customs for that colony, formerly M.P. for the city of Coventry, and uncle to the bishops of Chester and Winchester.

4. At Ely-house, Dover-street, aged 76, the right rev. Bowyer Edward Sparke, D.D., Lord Bishop of Ely, official visitor of Peterhouse, St. John's, and Trinity colleges, Cambridge, and visitor to the Master of Trinity college, F.R.S. and F.S.A. His lordship was the son of William Sparke, esq. major of the 48th regiment; He distinguished himself at the University of Cambridge, where he was a scholar, and afterwards a Fellow, of Pembroke college. In 1779 he obtained sir W. Brown's medal for a Greek Ode; in 1782 he took his Bachelor's degree as Seventh Wrangler; in 1783, and again in 1784, he obtained the second member's prize. He proceeded M.A. 1785, B. and D.D. 1803. He was tutor to the present duke of Rutland, and to that circumstance owed his elevation in the church. His Grace appointed him one of his chaplains, and presented him, in 1789, to the rectory of Waltham on the Wolds, in Leicestershire; in 1800, to the vicarage of Scalford; and before the close of the same year, to the rectory of Redmile, both in the same county. In May, 1803, he was appointed dean of Bristol; and in Oct. following, he took the vicarage of St. Augustine's in that city. At the close of 1808 he was collated by bishop Dampier to the rectory of Leverington, in the isle of Ely (which is now held by his son). In Oct., 1809, he was nominated bishop of Chester, and in May, 1812, translated to Ely. Bishop Sparke was the author of "Elegia Thomæ Gray Gracè reddita. Curavit B. E. Sparke, A.M." 1794, being one of several translations of Gray's Elegy made about that period. He also published: "Concio apud Synodum Cantuariensem, Æde Paulina habita in kal. Junii, 1807." "A Charge at his Primary Visitation of the Diocese of Ely 1813; another at his second Quadrennial Visitation 1817. Also the following single sermons—on the 30th January, 1810, before the House of Lords; at the Foundling Hospital 1810; for the Royal Humane Society 1814.

7. In New Palace-yard, Westminster, aged 81, William Godwin, esq. He was born at Wisbeach, in Cambridgeshire, 3rd March, 1756. His father was a dissenting minister, as had been his grandfather before him. In 1760, Mr. John Godwin, the father, removed his family to Guestwick, a village north of Norwich, where he presided over a

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congregation. William was one of many children, neither the oldest nor the youngest. Having received the first rudiments of his education under the care of a schoolmaster in the neighbourhood, he was placed with a private tutor in Norwich, whom he left in 1773 for the Dissenting College, Hoxton. At this seminary he studied above five years under the tuition of doctors Rees and Kippis. Young Godwin had been bred a Calvinist, and the opinions of his present teachers were inclined to Unitarianism; but his persuasions were so firmly fixed, that opposition only made him more tenaciously adhere to them. On leaving the abovenamed college he was, in 1778, admitted a member of the non-conforming church, and entrusted with the care of a congregation near London; but he shortly after became minister of a meeting-house at Stowmarket, in Suffolk. In a few years (1782) he gave up the office and duties of a preacher, and repaired to London, resolving to gain a livelihood and subsistence by literature alone. His first publication, on arriving there, was a series of six sermons, called "Sketches of History," which appeared in 1784. He soon got himself engaged as a principal conductor of the "New Annual Register," a situation from which he derived a small but certain income. In the historical part of this work he had occasion to treat of the affairs of the United Provinces, at the time when the Dutch endeavoured to throw off the yoke of the Stadtholder. This sketch he re-issued separately. Mixing amidst the violent and democratic politicians of the day, Mr. Godwin's name fast hastened into notoriety. He was particularly noticed by Fox and Sheridan, who, finding the opinions he expressed in unison with theirs, courted and recompensed his natural bias, by enlisting him as one of their advocates. The French Revolution breaking out in 1789, gave an impetus to the powers of his mind, which nourished and produced an extraordinary work called "Political Justice," put forth in 1793. This was a bold and astounding piece of writing, which became so popular, that the poorest mechanics were known to club subscriptions for its purchase. In a short time the author himself saw he had transgressed the bounds of prudence, and in what was called a second edition, recanted many of the most

erroneous and alarming doctrines of the first. The next year he published the novel of "Caleb Williams." This novel was written to exhibit "a general review of the modes of domestic despotism by which man becomes the destroyer of man." Mr. Godwin did not appear again as an author till 1797, when he published a series of essays under the title of "The Enquirer," chiefly following up and illustrating the political tenets of his former works. In this year he was united to the well known Mary Wollstonecraft, authoress of a "Vindication of the Rights of Woman," whose independent and more than masculine spirit of defiance to the authority of man he most ardently admired. He had lived with her for some short time before their marriage, and "the principal motive (he says) for complying with the ceremony was the circumstance of Mary's being in a state of pregnancy." His wife likewise brought with her a natural daughter, then about three years of age, the consequence of a former connexion. A few months after her marriage, Mrs. Godwin died in giving birth to a daughter, now widow of the poet Shelley, and authoress of "Frankenstein." The following year Mr. Godwin wrote and published the "Memoirs of Mary Wollstonecraft." His next work was the romance of "St. Leon," published in 1799. In the year 1800 he went to Ireland, where he resided a short time with Curran, and associated with Grattan and other Irish patriots. During his absence, a tragedy he had written, called "Antonio; or, the Soldier's Return," was represented at Drury-lane Theatre, and performed only one night. In 1801, Mr. Godwin again married. In this year he published "Thoughts on Dr. Parr's Spital Sermon," being a reply to the attacks made on him by Dr. Parr, Mr. Mackintosh, and others. The next publication to which we find his name attached is a "Life of Chaucer, 1803," which was followed in 1804 by a third novel, entitled "Fleetwood," but which was not equal to its predecessors. After this period Mr. Godwin was for some time little heard of. He was, however, still in London; and in one of its most populous parts, Skinner-street, had opened a bookseller's shop, where, under the assumed name of Edward Baldwin, he was ushering forth little

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works for the instruction and entertainment of young people: many of these were written by himself, under the name already mentioned, and bear the following titles:—"Pantheon; or, the History of the Gods of Greece and Rome." "A History of England," "Outlines of English History," for very young children. "History of Rome." "History of Greece." "Outlines of English Grammar;" and "Fables," ancient and modern. These little books are still on sale, and some of them have passed through several editions. In 1807 he made another unfortunate dramatic attempt in producing "Faulkner," a tragedy, at Drury-lane Theatre. The year following he published an "Essay on Sepulchres; or, a proposal for erecting some memorial of the Illustrious Dead in all Ages, in the spot where their remains have been interred." After a short pause he again came forth with "The Lives of Edward and John Phillips," Milton's nephews and pupils. (4to., 1815.)—a work written in a pleasing style. He also communicated some letters to the Morning Chronicle newspaper, under the signature Edax, "On the assumed grounds of the War," which were collected and republished in the same year. In 1817 "Mandeville" appeared; and his next work was "A Controversial Essay on Population" (1820), in opposition to the "Theories of Malthus" on that subject. He was now busily engaged in writing "A History of the Commonwealth of England, from its Commencement to the Restoration of Charles the Second;" the first volume of which came from the press in 1824; the others followed annually, the last appearing in 1828. In 1830 he published "Cloudesley," a dull though clever novel; and, in 1831, "Thoughts on Man; his Nature, Productions, and Discoveries, interspersed with some particulars respecting the author,"—a series of essays in the style and manner of his earlier works. His last work, "The Lives of the Necromancers," appeared in 1834. His last few years were rendered comfortable by an appointment, which he received during the administration of earl Grey, to the sinecure office of Yeoman Usher of the Exchequer. He resided latterly in the residence attached to this office, adjoining the Speaker's gateway in New Palace-yard, and which was pulled down only a

few months ago. By his second wife Mr. Godwin had one child, a son, who a few years since fell a victim to the Asiatic cholera, leaving behind him an unfinished work of fiction, entitled "Transfusion." Of the portraits of Mr. Godwin, the best and most approved is by Northcote, painted in 1800; this Mr. Godwin had retained in his own possession. Sir Thomas Lawrence's portrait, now in the possession of Dr. Batty, is good—but excelled by his spirited sketch of Godwin and Holcroft, taken as they were sitting side by side after the trial of the latter. Mr. Godwin received for his work on "Political Justice," 700*l.*; for "Caleb Williams," 84*l.*; and for "St. Leon," 400 guineas.

8. At his seat Thorncroft, near Leatherhead, James Trower, esq., one of the masters of the High Court of Chancery, one of his Majesty's counsel, and a bencher of Lincoln's Inn.

12. At Sussex-place, Regent's-park, aged 78, Nathaniel Gosling, esq.

— At Oakhill, the hon. Mrs. Tuson.

13. Aged 64, the right hon. Harriet lady Carteret.

— At Southampton, aged 52, Peter Rainier, esq., a post captain in the Royal Navy, a naval aid-de-camp to his majesty, and C.B.

— At Southsea, commodore Henry Deacon, R.N. He served in admiral Byng's fleet in the action off Minorca in 1758, and was present at the execution of that officer in the following year in Portsmouth harbour.

15. At Glasgow, lieutenant-colonel James M'Nair, of Greenfield, K.H., lieutenant-colonel of the 73rd regiment.

— At Jenner's Hill, Cheshunt, aged 84, sir Joseph Eadaile, knight, many years silver stick in waiting to King George the Third.

16. In New Ormond-street, aged 42, Mr. Edmund Edmunds, formerly editor of an unstamped weekly paper, called the "Metropolitan Gazette," but latterly an attorney's clerk at the police-offices, and in the Central Criminal Court. A coroner's jury returned a verdict, "That the deceased destroyed himself in a state of temporary mental derangement." He was the son of a Baptist minister, and brother to Mr. George Edmunds, the radical leader of Birmingham.

18. At Charlton, aged 60, the right hon. Elizabeth Jane, countess of Suffolk and Berkshire.

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18. At Bath, in her 83rd year, lady Pegge, widow of sir Christopher Pegge, Regius professor of medicine at Oxford.

19. At Wardour Castle, aged 26, the right hon. Francis Catharine lady Arundell.

— At Southwell, Nottinghamshire, in his 82nd year, the rev. William Barrow, LL.D. and F.A.S., Prebendary of Southwell and rector of Beelsby. He was a native of the West Riding of Yorkshire, and received the former part of his education at the school of Sedburgh, and the latter at Queen's College, Oxford. In 1778, he obtained one of the Chancellor's prizes for an "English Essay on the right improvement of an Academical Education." He graduated B.A. 1778, M.A. 1783, B. and D.C.L. 1785. In 1782 he became master of the academy in Soho-square, which flourished under his care until his retirement from it in 1799. In the spring of that year he preached the "Bampton Lectures," before the University of Oxford, and shortly afterwards, he went to reside at Southwell, where the first fruits of his leisure was an "Essay on Education." In the years 1806 and 1807, he filled the office of select preacher to the University of Oxford, and in 1808 was specially appointed to preach upon Oriental Translations, in consequence of a donation of sixty guineas by the rev. Dr. Claudius Buchanan, to be bestowed upon two members of the University for two sermons upon that subject. The other preacher was Dr. Nares, the present professor of modern languages, and both sermons were published.

20. At Gloucester, in his 80th year, James Wood, esq., banker. He was born at Gloucester, October 7, 1756. In combination with the bank, Mr. Wood to the day of his death kept a shop, such as comes within the description of a chandler's shop, in which he sold almost anything that any person might be inclined to purchase—from the mousetrap to the supply for a merchant shipping order. At one end of this shop, the business of the "Old Gloucester Bank" was transacted, and the whole establishment consisted of the deceased, and two clerks or assistants. His habits were very penurious. The personal property of the deceased was sworn under 900,000*l*.

22. At Downhill, county Londonderry, aged 47, Sir James Robertson Bruce,

the second baronet of that place, vice-lieutenant of the county, and major of the Londonderry militia.

— Sir William Sheridan, K.C.H., a lieut.-general in the army.

25. At Wouldham, aged 21, the hon. Francis de Grey, of Worcester College, Oxford, youngest son of lord Walsingham. He imprudently entered the water with all his clothes on to secure a boat that was drifting down the Medway. He was unable to reach the boat, and becoming exhausted, sank.—[See p. 53.]

26. At Halswell-house, Anne, wife of colonel Tynte, M.P. for Bridgewater, and mother of the member for West Somerset.

27. At Bain, aged 73, major-general George Wm. Dixon, R.A.

30. At Southall, aged 77, Vitruvius Lawes, esq., serjeant-at-law.

— At Pinner Grove, aged 81, lady Milman, relict of sir Francis Milman, bart., M.D.

— At Bungay, the rev. J. W. Morris, the biographer of the late revds. Andrew Fuller and Robert Hall.

— At Woolwich, col. John C. Williamson, C.B.

*Lately.* At Cheltenham, aged 58, lieut.-colonel J. G. D. Jordan, inspecting field officer of the Northern District.

### MAY.

1. At Doncaster, aged 104, Sarah, widow of Benjamin Barnshaw, better known by the name of Ben Jersey, who for nearly half a century, was grave-digger at the parish church. She was followed to the grave by her only daughter, who was born when her mother had attained the age of fifty.

2. At Woburn Abbey, aged 44, Jeremiah Holme Wiffen, esq., the Quaker poet, and librarian to the duke of Bedford. Mr. Wiffen was born of a respectable family, of the Society of Friends, and was brought up to the profession of a schoolmaster, in which he was for some years actively engaged. His first publication was the "Geographical Primer," for junior classes, 1812, 12mo. His earliest poetical effusions were contributed to a volume entitled "Poems by Three Friends." These were succeeded by, perhaps, his happiest and most spirited effort—a series of stanzas, in allusion to the portraits at Woburn Abbey, in the rev. T. D. Parry's History of Woburn; which were afterwards

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reprinted, with the title of "The Russells." In 1819, appeared his "Aonian Hours, and other Poems." A translation of "Garcilasso de la Vega," was his next work, completed in 1822. Mr. Wiffen's miscellaneous poems, at various periods would fill two or three volumes: some of them were published in the *Annals*, "Time's Telescope," &c., &c. Among these are translations from Catullus, Propertius, and other Latin authors. The ballad of "The Luck of Eden Hall," is his happiest effort in that very attractive species of composition. But these and all his other works, including a poem on the pathetic fortunes of the devoted classical daughter, Julia Alpinula, were only introductory to his translation of Tasso. It was the work of six or seven years; and the greater part of the hours devoted to the first half of the translation were stolen from sleep, and spent by the midnight oil. In this work he adopted the Spenserian stanza to which he was much attached. The first edition was in two splendid royal octavo volumes, decorated with the best wood vignettes to each canto. A second edition was published in foolscap octavo. Soon after the appearance of Mr. Wiffen's "Aonian Hours," the duke of Bedford made him an offer of becoming his private secretary and librarian. The duke's allowance was liberal; and on his marriage, he furnished him with a pleasant house and grounds contiguous to his park. Here he commenced his "History of the Russell Family." He had some skill in architectural, feudal, and ballad lore; and in a pedestrian excursion which he once made to the lakes, &c., brought back several sketches of ancient relics. In addition to the accomplishment of a draughtsman, he possessed considerable taste for music; he had some knowledge of astronomy and botany, and was a tolerable classical scholar. He had also studied Hebrew; and, latterly, gave his attention to Welsh, from which he translated some of the "Triads" and pieces of the old bards. The happiest is entitled, "To the Cuckoo, in the Vale of Cuag," by Llywarch Hen. His sister is the wife of Mr. Alaric A. Watts.

3. In Grosvenor-square, in her 70th year, the right hon. Emilia, countess dowager of Glengall.

— In Grosvenor-square, aged 63, lady

Louisa Clements, sister to the earl of Leitrim.

5. In Park-street, aged 63, the right hon. lady Elizabeth Talbot, sister to the duke of Beaufort.

7. At Morben Lodge, near Machynlleth, Wales, aged 90, Margaret, last surviving daughter of E. Williams, esq., and of Jane viscountess Bulkeley, his wife, formerly of Peniath, county Merioneth.

10. At Edinburgh, aged 82, the hon. Robert Lindsay, uncle to the earl of Balcarres.

— In his 65th year, Mr. Daniel Shea, one of the Professors of Oriental Languages at Haileybury College.

12. At Crawley's hotel, Albemarle-street, aged 64, the right hon. Francis Gerard Lake, second viscount Lake (1807) and baron Lake of Delhi and Laswary, and of Ashton Clinton, county Buckingham, a lieutenant-general in the army.

13. In Upper Grosvenor-street, general George Milner.

— At east Moulsey, aged 98, Mary, widow of admiral sir Edmund Nagle.

— In Baker-street, Portman-square, aged 85, Sir Charles Wilkins, K.H. D.C.L. F.R.S. He was a native of Somersetshire, and went to Bengal, in the civil service, in the year 1770. While aiding in the superintendence of the company's factories at Malda, in Bengal proper, he had the courage and genius to commence, and successfully prosecute, the study of the Sanskrit language, which was, up to that time, little known to Europeans; and his translation of the 'Bhā gavad Gītā' into English, was sent to the court of directors, by the governor-general, Warren Hastings, who likewise wrote for it one of the most elegant dissertations ever prefixed to any work. The court of directors published and distributed it, in 1785, at their own expense. Combining mechanical ingenuity with literary acquirements, Mr. Wilkins, as a relaxation from his more laborious pursuits, prepared, with his own hands, the first types both Bengali and Persian, employed in Bengal. With the Bengali, Mr. Halhed's elegant Bengali Grammar was printed; and with the latter, Balfour's 'Forms of Herkeru' (a collection of Persian letters, as models for correspondence). The company's laws and regulations, translated by Mr. Edmon-

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stone and others, have continued to be printed with those very Persian types to the present day. Mr. Wilkins remained in India about sixteen years. On his return to England, in 1786, he resided at Bath; and, shortly after, he published his translation of the "Hitopadésa," or the Fables of Vishnoo Sarma, the Indian original of the fables of Pilpay. In 1795, he published a translation of the story of Dushmanta and Sakountala. In 1800, the court of directors, by the recommendation of the late Mr. Edward Parry (brother-in-law to lord Bexley), resolved to appoint Mr. Wilkins to be librarian of the valuable collection of MSS. which had fallen into their possession by the conquest of Seringapatam, and by bequests, &c.; and he continued to hold the office until his death. The East India college, at Haileybury, was established in 1805; and, the Sanskrit language being a part of its course of instruction, under the late Alexander Hamilton, the want of a Sanskrit Grammar was strongly felt; and, in consequence, Sir Charles produced, in 1808, his Sanskrit Grammar. It was very accurately and beautifully engraved on copperplates, by Mr. John Swaine. For similar reasons, he superintended a new edition of Richardson's Dictionary of the Persian and Arabic languages, in two volumes 4to, and enlarged it with many thousand words. He also published, in 1815, a list of the roots of the Sanskrit language. At the foundation of the college, in 1805, he was appointed its visitor in the oriental department; and from that time till last Christmas (inclusive), he went down twice every year, and examined the students in the various oriental languages taught at that institution. He did the same for the East India company's military seminary at Addiscombe. Whilst in Bengal, Mr. Wilkins, in concert with Sir William Jones, and others, founded the Asiatic Society, and he contributed some interesting communications to the first volume of the Asiatic Researches. He subsequently took an active part in the formation of the oriental translation fund. Sir Charles's reputation extended over Europe. Many years ago, the institute of France made him an associate. He was elected a Fellow of the Royal Society, June 12, 1788; and admitted to the honorary degree of D.C.L. in the University of

Oxford, June 26, 1805. In 1825, the Royal Society of Literature awarded him one of their royal medals as *Princeps literaturæ Sanscritæ*.

14. In Davies-street, aged 46, M. Hubout, teacher of languages, late Captain in the French army, and knight of the Legion of Honour. He addressed some letters instructing his landlady to collect some small sums due to him, and then deliberately poisoned himself with opium.

— Cadet Smith, only son of the late major-general sir John Smith, R. Art. Whilst bathing at the Royal Military Repository, Woolwich, he fell off a piece of timber, and pitching on his head in the mud, could not be extricated from it until life was extinct.

— At Herne-hill, aged 74, James Horsburgh, esq., F.R.S., Hydrographer to the East-India Company, and formerly a commander in their naval service. Captain Horsburgh was born of humble, pious, and respectable parents, at the small village of Elie, situated on the south-eastern coast of Fifeshire. He commenced his career as cook and cabin boy; and having devoted a large portion of the best years of his life to the navigation of the East, he became at length commander of the *Anna East* Indiaman. In this vessel he set sail from England in 1802; and having reached Bombay, passed two years in coasting the peninsula of India, visiting Canton and the China sea, and traversing the islands of the Indian Archipelago; when, after fulfilling the object of his voyage, he returned to England in 1805. Soon after his arrival, he laid before the Royal Society, in a letter to the hon. Henry Cavendish, the results of his meteorological observations during the voyage; and in this paper, afterwards printed in the *Philosophical Transactions*, he detailed the progress of that remarkable regularity in the rising and falling of the barometer which so peculiarly distinguishes the tropical regions, and becomes disturbed or lost again with an increase of latitude in the station of observation. In 1806, he began to collect the materials for his great work, the "*East-India Sailing Directory*." This work was the result of five years of indefatigable research, and accurate investigation into the journals and documents in possession of the East-India Company; and so great

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was the author's ardour in the pursuit of his favourite object, that, in the coldest weather, he has been known to remain for hours in the cellars of the India-house, continuing his researches, and unwilling to remit his labours. It assumed its first complete form in 1811, and having engaged his constant attention during the subsequent years of his life, there were still remaining for correction, at his decease, a few proof sheets of the work, to effect its final completion. Captain Horsburgh was elected a Fellow of the Royal Society, March 13, 1806. He entered, in 1810, on the important office of Hydrographer to the East India Company, and devoted himself, without intermission, to the daily attendance required of him for the effective discharge of the duties which it involved. The numerous valuable charts which have been constructed under his care, and issued in succession from the hydrographical office by order of the Court of Directors, furnish the best evidence of the able manner in which he fulfilled his important engagements. In 1816, Capt. Horsburgh published his "Atmospherical Register for Indicating Storms at Sea;" in 1819, he edited a new edition, with many corrections and a supplement, of Mackenzie's well-known "Treatise on Marine Surveying;" and, subsequently, his "Compendium of the Winds;" and (in conjunction with Mr. Arrowsmith), his "East India Pilot, of general and particular charts (on the largest scale ever published), from England to the Cape of Good Hope, Bombay, Madras, and China." In 1830, he communicated a paper to the Royal Society, entitled "Remarks on several Icebergs which have been met with in the Southern Hemisphere," which was published in the "Philosophical Transactions of the same year.

16. At Stowe, aged 56, Anne Eliza, duchess of Buckingham and Chandos. Her grace was born in November, 1779, the second but only surviving daughter and heiress of James Brydges, third and last duke of Chandos, who died on the 29th September, 1789, when the dukedom of Chandos became extinct. She was married April 16, 1796, to Richard, then earl Temple, who succeeded his father in 1813, as second marquess of Buckingham, and in 1822 was created marquess of Chandos, and duke of Buckingham and Chandos. Her grace had

an only child, Richard Plantagene now marquess of Chandos, who was born in 1797.

18. At Leeseons, Chiselhurst, the seat of his uncle, lord Wynford, aged 33, Jerome William Knapp, esq., D.C.L., barrister at law, of Stone-buildings, Lincoln's Inn.

20. In Connaught-terrace, Edgware-road, aged 60, the hon. Henry Augustus Berkeley Craven, a retired major-general in the army, uncle to the earl of Craven. It appears that he had been a considerable loser at the Epsom races, which, it was supposed, produced such an effect upon his mind as to induce him to commit suicide, by shooting himself through the head.

— At Cheltenham, colonel Augustus Warburton, 85th regiment.

— At Cranbrook-house, near Ilford, Essex, Robert Westley Hall Dare, esq., M.P. for the southern division of the county.

21. At Weston super Mare, Annabella, widow of the hon. Charles Savile, uncle to the present earl of Mexborough.

23. At Kingston, Upper Canada, colonel Francis Skelly Tidy, C.B., lieutenant-colonel in command of the 24th regiment.

25. At Downing College, Cambridge, aged 60, William Frere, esq., D.C.L., sergeant-at-law, and master of Downing College, Cambridge.

26. In Devonshire-street, in his 65th year, William Young Ottley, esq., F.R.S. and S.A. keeper of the prints in the British Museum. Mr. Ottley's name is entitled to be held in recollection in a threefold character; as an artist, a collector, and an author. As an artist, his only known work of magnitude is the "Fall of Satan," eight feet by six, which was exhibited at Somerset House in 1823. His pencil was chiefly occupied in landscapes and groups of figures from nature, imaginary sketches, and historical studies; none of which, however, with the above exception, he took the trouble of transferring to canvass. In 1791, Mr. Ottley, when scarcely twenty years of age, proceeded to Italy. Amongst a variety of other works of art, which he there became possessed of, was a series, on wood, by the very earliest masters of Italy, on religious subjects, which were removed from the walls of churches at the time the French were in Italy.

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another extensive collection which he formed at this period, was that of the original drawings of the best masters of Italy, from the earliest dawning of art down to the splendid days of Raffaele and Correggio, the Caraccis, and Salvator Rosa. Mr. Ottley, soon after his return to England, undertook the arduous task of putting forth a series of fac-similes of these drawings, in large folio, under the title of "The Italian School of design," upon which the first engravers and draughtsmen of the day were employed by him. Of this magnificent work, the first part appeared in 1808, and the second about four years afterwards; the third part, which concluded the work rather within the limits originally intended, did not appear till 1823. As it stands, the volume contains eighty-four plates, about one-half of which are from the best drawings of Michelangiolo and Raffaele. This collection of drawings Mr. Ottley subsequently sold to sir Thomas Lawrence for 8,000*l.*, and they form part of his large collections lately exhibited at Messrs. Woodburns. His collection of engravings, which he continued to enrich with fresh acquisitions up to within a very few years of his death, is supposed to be one of the most complete and best selected in Europe. Besides his "Italian School of Design," his principal works are, the companion work of the "Florentine School," (1826); "The Origin and Early History of Engraving," 2 vols. 1816, "The Stafford Gallery;" "The Critical Catalogue of the National Gallery;" and the first part of an elaborate "Dictionary of Engravers," (8vo. 1831,) for which he had for thirty years been collecting materials, but from the labours of compiling which he was obliged to desist when undertaken at a later period of life; besides various contributions to Rees' Cyclopædia, and other miscellaneous productions. His communication to the Society of Antiquaries were in 1832 a letter addressed to Mr. Gage upon the art of the Illuminations of St. Æthelwold's Benedictional, printed in the *Archæologia*, vol. xxiv. pp. 26-33; and a laborious essay, in 1834, being an account of a Manuscript in the British Museum containing Cicero's translation of the Astronomical Poem by Aratus, which was supposed to have been written in the tenth or twelfth century, but which Mr. Ottley

contended belonged to the third century. The last work in which he was engaged, and which, except the last few sheets, he lived to see through the press, was a controversial essay on the conflicting claims of Haarlem and Mentz to the honour of the first use of moveable types.

27. In University-street, New-road, aged 78, Mr. Timothy Sheldrake late of the Strand. He was the first practitioner in the cure of distorted spine and limbs, and published "Remarks on Mr. Brand's Chirurgical Essays," 1783, and various volumes on distortions, ruptures, &c.

— At Wimbledon, aged 54, Charles Henry Bouverie, esq., only son of the late hon. W. H. Bouverie, esq., by lady Bridget Douglas, daughter of James, 14th earl of Morton, and brother to lady Heytesbury.

28. In Great Stanhope-street, William Edward Tomline, esq., of Rigby hall, county Lincoln, colonel of the Royal North Lincoln Militia, F.R. and L.S.S., &c. He was the elder son of the late right rev. sir George Pretymann Tomline, bart., lord bishop of Winchester, by Elizabeth, daughter and coheir. of Thomas Maltby, esq. On the death of his father in 1827, he declined to assume the title of baronet.

— In Belgrave-square, aged 66, the right hon. George Gordon, fifth duke of Gordon, marquess of Huntly, earl of Huntly and Enzie, viscount of Inverness, &c. His grace was born at Edinburgh, Feb. 1, 1770, and was the elder son of Alexander, fourth duke of Gordon, by Jane, second daughter of sir William Maxwell, of Monreith, county Wigton, bart. He entered the army in 1790; and after having gone through much active service, attained the full rank of general, August 12, 1819; was appointed colonel of the first foot guards on the death of the duke of Kent, Jan. 29, 1820; removed to the command of the third guards, on the death of the duke of Gloucester, in December 4, 1834; and invested with the insignia of a grand cross of the bath, May 27, 1820. At the general election of 1806, the marquess of Huntly was returned to parliament as member for the borough of Eye; but he continued for a very short time in the House of Commons; for, on the change of ministry, he was, by writ dated April 11, 1807, summoned to take his seat in the Upper House, for

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his father's English barony of Gordon. In May, 1808, he was appointed lord-lieutenant of Aberdeenshire, on his father's resignation. In 1814, on the death of lord Auckland, he was elected chancellor of the Marischall College, Aberdeen, his father being at the same time chancellor of the King's College in the same university. He succeeded to the dukedom on his father's death, June 17, 1827; and was also appointed his father's successor as keeper of the great seal of Scotland. His grace was appointed governor of Edinburgh Castle, November 15, 1827. He married, December 11, 1813, Elizabeth, daughter of Alexander Brodie, of Arn Hall, N.B., esq. Her grace survives him, without issue. The more immediate cause of the duke's death was ossification of the trachea. On a *post-mortem* examination, it was found he had also cancer in the stomach. His grace's only brother, lord Alexander, died unmarried in 1808; and the male line of the dukes of Gordon having thus expired, the Scottish titles conferred by the patent of 1684, and those conferred by the English patent of 1784, have become extinct. The marquessate and earldom of Huntly have devolved on George, earl of Aboyne.

29. At Edinburgh, James Wolfe Murray, esq., lord Cringletie, one of the senators of the College of Justice.

— In Upper Canada, aged 81, Mr. Powell, the father of the stage, who for forty years was an efficient member of Drury-lane company.

— At Florence, aged 48, the hon. Henry Grey Bennett, brother to the earl of Tankerville.

— Aged 54, John Milbourne, a singular character, well known in Oxford. He was the son of a servant of the late professor Hornsby, his mother being a hard working kitchen-woman at St. John's College. "Johnny Milbourne," as he was familiarly called by all the children of Oxford, who delighted in plaguing him, and being terrified by his menaces in return, was in appearance a sort of Caliban; he bore a huge club, and crept at a sort of snail's pace on errands. Though a very slow, he was a sure messenger, and delivered his notes and letters (not messages, for he never could remember one) with all the precision and importance of a two-penny postman.

31. In Harley-street, aged 66, the

hon. George Sackville Germaine, Assay Master of Tin in the duchy of Cornwall, only brother to the present duke of Dorset.

— At Heath hall, Wakefield, aged 43, John Armytage, esq., eldest son of sir George Armytage, bart.

*Lately.* At Leyden, aged 46, Professor Hamaker. This distinguished oriental scholar was born at Amsterdam in 1789. Having early lost his father, it was by the aid of kind friends that he was enabled to pursue his studies. In his 26th year, he was appointed professor of oriental literature at the Athenæum of Franaker, where he soon after published his notes on Philostratus, and a latin dissertation "On the necessity of illustrating the Greek and Latin histories of the middle ages, by reference to the Oriental writers." In 1817 he was chosen honorary Professor at the University of Leyden, and there published "The Mohammedan Religion considered as a strong motive to valour in the oriental people;" and in 1822, "An Essay on the Life and Merits of sir William Jones." In 1828, the Museum of Antiquities at Leyden having been enriched with some Punic monuments and inscriptions, he published two elaborate treatises in explanation of them. He took an active part in the "Bibliotheca Critica Nova," for which he wrote reviews of such works as were connected with oriental literature: this led him into a controversy with Von Hammer. In 1834, he published "Academical Lectures on the utility and importance of grammatically comparing the Greek, Latin, and German languages, with the Sanskrit."

## JUNE.

3. In the Edgeware-road, Barry Edward O'Meara, esq., the medical attendant of the emperor Napoleon in his last days, and author of "A Voice from St. Helena." On the 18th and 19th of July a sale of his effects took place, when there was considerable competition among the purchasers, for various articles which had been the property of Napoleon. A few lines in the emperor's handwriting sold for 11 guineas; a lock of his hair, of a light auburn colour, and of silky texture, for 2*l.* 10*s.*; one of his teeth, extracted by Mr. O'Meara, for seven guineas and a half; and the instrument with which it

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was extracted, 3*l.* 3*s.*; a few articles of plate, formerly the property of the emperor, sold for about six times their intrinsic value.

5. In Hertford-street, May Fair, General William Scott.

— At Richmond, aged 28, Mrs. Frances Maclellan, the authoress of "Sketches of Corfu," "Evenings Abroad," &c. This lady resided for some time as governess in the family of bishop Heber. Circumstances afterwards induced her to go to Corfu, as instructress to the children of a distinguished family; and during her residence there, she occupied her leisure in collecting materials for a work which was published, and attained a very deserved popularity. On her return from Corfu, an attachment was formed between herself and an officer in his Majesty's navy, to whom she was eventually united. Three weeks afterwards he was ordered to join his ship, to proceed to Malta, and in a few months she sailed from Falmouth to rejoin him. On the passage a vessel was met, the captain of which informed her of the death of her husband, who had sunk under an attack of brain fever of three days' duration.

7. At Hadleigh, Suffolk, aged 70, Nathan Drake, M.D., a Honorary Associate of the Royal Society of Literature, &c., &c. He was brother to the late Richard Drake, esq., of York, and was born in that city on the 15th January, 1766. He graduated at Edinburgh in 1789; and, after a short residence at Billericay, in Essex, and at Sudbury, in Suffolk, finally settled as a physician, at Hadleigh, in the latter county, in 1792, where he practised forty-four years. Of his literary works, the following is a list:—"The Speculator;" a periodical paper, written in conjunction with Dr. Edward Ash, 8vo., 1790. "Poems," 4to., 1793. "Literary Hours," first edition, 1 vol. 8vo. 1798; fourth edition, 3 vols. 8vo. 1820. "Essays illustrative of the Tatler, Spectator, and Guardian," 3 vols. 8vo., 1805; second edition, 1812. "Essays illustrative of the Rambler, Adventurer, Idler, and other periodical papers, to the year 1809," 2 vols. 8vo., 1809. "The Gleaner; a series of Periodical Essays, selected from authors not included in the British Essayists," 4 vols. 8vo. 1811. "Shakspeare and his Times, including the Biography of that Poet; Criticisms on his Genius; a New Chronology of his Plays; a Disquisition

on the object of his Sonnets; and a History of the Manners, Customs, and Amusements, Superstitions, Poetry, and elegant Literature of his Age," 1817, 2 vols. 4to. "Winter Nights," 2 vols. 8vo., 1820. "Evenings in Autumn; a series of Essays, narrative and miscellaneous," 1822, 2 vols. 8vo. (See *Gent. Mag.* xcii. i. 522.) "Noontide Leisure," 2 vols. 8vo., 1824. "Mornings in Spring," 2 vols. 8vo. 1828. "Memorials of Shakspeare," 1828. In addition to the above, Dr. Drake left ready for the press:—"A Selected version of the Psalms, with copious Notes and Illustrations;" which will be published by his family.

9. At Hereford, in consequence of jumping from his carriage whilst the horse was at full speed, aged 55, the rev. Charles Taylor, D.D., chancellor of the diocese of Hereford, a prebendary of the Cathedral Church, vicar of Almeley and of Madley with Tibberton.

10. At Cambridge, aged 73, the widow of sir Busick Horwood, knt., M.D. F.A.S. only daughter of the rev. sir John Peshall, bart., author of "The History and Antiquities of Oxford."

11. In his 50th year, Edward Ralph Charles Sheldon, esq., M. P. for South Warwickshire, a deputy lieutenant of that county, and major of the Warwickshire militia.

14. At his seat, Wellpark, near Quin, the rev. Dr. M'Mahon, R.C. bishop of Killaloe.

20. In Paris, aged 88, the celebrated Abbé Sieyès. He was born on the 3d of May 1748, at Frejus, where his father was director of the post-office. He was brought up to an ecclesiastical life, and having finished his studies in the University of Paris, was, at the proper age, chosen one of the Grand Vicars to the bishop of Chartres. The Abbé Sieyès, at the time of the American revolution, abandoned his religious pursuits to enter into the field of politics, where he acquired some repute by his publications, and the new doctrines which he broached. When Louis XVI. convoked the States General, and his ministers invited the writers of all countries to communicate their ideas, the Abbé Sieyès published his famous work, entitled, "What is the Third Estate?" He asserted in it that the Third Estate was everything. This work produced a great effect. The author was returned by the

## DEATHS—JUNE.

city of Paris as one of the members of the States General, and he was exceedingly active in that assembly. As an orator, however, he was dry, metaphysical, and often obscure and unintelligible. On the 8th of July 1789, he moved to dismiss the troops assembled round Paris and Versailles, because the King might employ that force to awe the assembly; and he and Mirabeau suggested that general arming which was effected under the name of the National Guard. On the 10th of August in the same year, he opposed the motion for suppressing tithes. In the month of September following, he strenuously contended against the absolute veto which Mirabeau wished to grant to the king, and he laid down the plan of a constitutional system, which was not approved at that time, and of course was not discussed. He then suggested another proposition for dividing France into departments and districts, which was at once adopted. He was accused of intriguing with the Orleans faction in the month of October, but this accusation he satisfactorily refuted. In 1790 he was particularly active in the committees, brought forward a project for repressing the licentiousness of the press, and voted for the establishment of civil and criminal juries. When the king fled to Varennes, Thomas Payne proposed to establish a republic, and he published several articles in the *Moniteur* on that subject, in which he invited the Abbé Sieyès, whom he thought to be a republican, to publish his opinions. Sieyès replied, "That he was in favour of a monarchy, and that he preferred it because the best government was that under which the people enjoyed most liberty; and the people were certain of more liberty under a monarchy than under a republic." Subsequently to this period he took little share in the proceedings of the Legislative Assembly. He was, however, elected to the Convention, where he voted for the death of the king. From 1792 to 1795 he did not speak more than three times in the Convention. In the beginning of 1793 he presented a project for organising the ministry of war; and, at the end of that year, when the authorities celebrated the Feast of Reason, and demanded the sacrifice, among others, of the Abbé's letters of priesthood, he renounced them, together with his benefice of

10,000 francs. In the early part of 1795, he frequently appeared in the tribune to attack the partisans of Robespierre, and he was appointed a member of the Committee of Public Safety. A popular insurrection having broken out at the end of March, he established a general police to secure the Convention against future attacks. In the month of April he was sent to Holland with Rewbell, to conclude a treaty between that country and France. On his return he was called to the committee charged to prepare the constitution of the year III. (1795): but the committee rejected his proposition for a constitutional jury, and he, in consequence, abstained from joining in their labours. He took little part in the debates of the Convention afterwards. On the formation of the Directory, he was very active in the committees, which were charged with most important labours. On the 12th of April, 1797, he was very near falling by the hands of the Abbé Poule, who demanded of him some slight assistance to relieve his distress, which being refused, he drew a pistol and wounded Sieyès. In 1798 he was sent Ambassador to Berlin. In the month of May 1799, he was chosen a director in the room of Rewbell, and afterwards became president. It was while he was invested with this character, and by his influence, that the celebrated revolution of the 18th of Brumaire took place, which led to the elevation of Buonaparte. On the 4th of April, 1814, he submitted to the Bourbons; but, on the return of Buonaparte in 1814, he was created a peer of France; and in 1816, was obliged to remove to Brussels. After the revolution of 1830, he, like all other French exiles, returned to his native country, but he never reappeared on the political scene.

— At Hooton Hall, the seat of her son-in-law, Sir T. Stanley, bart., Frances, widow of sir Carnaby Haggerston, the 5th bart. of Haggerston Castle, Northumberland.

22. In Hertford-street, May Fair, aged 46, colonel Daniel Mackinnon. lieut.-colonel in command of the Coldstream guards.

23. At Kensington, in his 63rd year, James Mill, esq., author of "The History of British India," &c., &c. He was a native of Kincardineshire, and studied at Edinburgh. He was licensed as a preacher in the Scotch Church,

## DEATHS—JULY.

and came to London as a tutor in the family of sir John Stuart, one of the Barons of the Exchequer in Scotland, on whose estate his father occupied a farm. He did not return with sir John to Scotland, but remained in the metropolis, where he devoted himself to literary and philosophical pursuits. In 1818 he published his "History of British India," in 3 vols. 4to. (6 vols. 8vo. 1820.) This work, on which he laboured for many years, abounds with enlarged and liberal views in politics, political economy, and legislation; and by its estimation with Englishmen in India, is supposed to have considerably influenced the administration of our eastern empire. Mr. Mill's "Elements of Political Economy," published in 1821; his "Analysis of the Human Mind," and his "Prison and Prison-discipline, Colonies, Laws of Nations, and Education," placed him high as a political economist and philosopher. His "Treatises on Government," "Jurisprudence," the "Liberty of the Press," in the Supplement to the Encyclopædia Britannica, have been separately printed and extensively circulated. During the earlier period of "The Edinburgh Review," he contributed to it many able articles on Jurisprudence and Education; and he was the author of many articles in the "Westminster and London Reviews." He fell a victim to consumption, after nearly one year's lingering illness, during which time he was disabled from attending to the duties of his office of Chief Examiner to the East-India Company.

29. At Dulwich, aged 47, the rev. Edward Smedley, prebendary of Lincoln. He was the son of the rev. Edward Smedley, M.A., for many years one of the masters of Westminster school, and author of "Erin," a poem. He graduated at Trinity College, Cambridge, B.A. 1809 as 10th junior optime, and having been elected a Fellow of Sidney, proceeded M.A. 1812. He obtained one of the members' classical prizes in 1810 and in 1811; and subsequently no fewer than four of the Seatonian prizes for English Poems: the subjects were—"The Death of Saul and Jonathan," 1814; "Jephtha," 1815; "The Marriage of Cana," 1827; "Saul at Endor," 1828. He published a poem entitled "Prescience," and some others; also a "History of the

Reformed Religion in France," 3 vols. 12mo., and was the editor of the "Encyclopædia Metropolitana." His only ecclesiastical preferment was the prebend of Lafford or New Sleaford, in the cathedral church of Lincoln, to which he was collated by bishop Tomline in 1829, and of which the net income was only 14l.

30. At Wandsworth, Robert Rickards, esq., late factory inspector for Lancashire and Yorkshire. In 1813 he first publicly advocated a free trade to the East Indies and China. He was elected M.P. for Wootton Bassett, in 1813.

— At Washington, aged 78, James Madison, esq., ex-president of the United States of America. He was a native of Virginia, and brought up for the bar. At the age of twenty-two he held a situation under the government, and was afterwards constantly employed in a variety of important offices. He was appointed Secretary of State during the presidency of Mr. Jefferson; and he was chosen President on Mr. Jefferson's retirement.

*Lately.* At Alverstoke, colonel Nich. Ramsay, K.H., lately inspecting field officer at Leeds.

## JULY.

2. Drowned near Yarmouth, Isle of Wight, together with his wife (both aged 37), the rev. Henry Watson Wilder, of Purley Hall, near Reading, rector of Sulham, Berks.

5. Aged 94, Mrs. Cecilia Davies, formerly a celebrated singer on the Italian and German, as well as the English stages.

10. In Bryanstone-square, in his 73rd year, sir Francis Freeling, bart., F.S.A., secretary to the General Post Office. He was born at Bristol, and commenced his official career in the post-office of that city. On the establishment of the new system of mail coaches by Mr. Palmer in 1785, he was selected by that gentleman on account of his superior ability and intelligence, to assist him in carrying his improvements into effect, and was introduced into the General Post Office in 1787, where he successively filled the offices of surveyor, principal and resident surveyor, joint secretary (with the late Anthony Todd, esq.), and sole secretary, for nearly half a century.

## DEATHS—JULY.

11. At Southampton, aged 73, Dr. James York Bramston, bishop of Usula, and vicar apostolic of the London district. He was of a Protestant family, possessing considerable property in the county of Northampton; but being a younger son, he was educated for the bar, and for some years went the Midland Circuit. He afterwards became a convert to the Roman Catholic faith, and in consequence was treated as an alien by his family, and left without provision. He had married and had children, but being left a widower, he devoted himself to the priesthood, and with that view went to study at the English college at Lisbon, and having been ordained, was sent upon the London mission. He was appointed one of the chaplains at the chapel in St. George's Fields; and in 1827 succeeded Dr. Poynter as bishop of the London district, in which he had previously acted for several years as coadjutor, by the title of bishop of Usula.

13. In Hanover-square, in his 76th year, the right hon. Welbore Agar Ellis, viscount Clifden, of Gowran, 1781, baron Clifden, 1776, and baron Mendip, in Somersetshire, 1794. His lordship was born January 22nd, 1761, was educated at Westminster school, succeeded his father, James viscount Clifden, January 1, 1789; and married on the 10th of March, 1792, Caroline, eldest daughter of George, the late duke of Marlborough.

14. At Richmond, in his 58th year, sir Matthew White Ridley, bart., of Heaton Hall, county Northumberland, M.P. for Newcastle-upon-Tyne, and a B.A. of Christ church.

15. At Kirklees Hall, in his 76th year, sir George Armytage, bart.

— At his seat, Milburn Tower, near Edinburgh, in his 94th year, the right hon. sir Robert Liston, G.C.B. a Privy Councillor, and late Ambassador at Constantinople.

16. At Leamington, the dowager countess of Hopetoun.

16. At the York Hotel, Albemarle-street, in his 47th year, sir Godfrey Webster, the 5th baronet (1703).

17. At Philadelphia, aged 88, the right reverend William White, D.D. Bishop of Pennsylvania, the senior and Presiding Bishop of the Protestant Episcopal Church in the United States of America.

20. At his lodgings at Stoke Newing-  
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ton, in his 65th year, Thomas Fisher, esq. F.S.A. of Gloucester Terrace, Hoxton.

21. At Lansdowne-house, Berkeley-square, aged 25, the right honourable William-Thomas earl of Kerry, M.P. for Calne; eldest son of the Marquis of Lansdowne.

— In Craig's-court, aged 76, John Pearse, esq. of Chilton Lodge, near Hungerford, M.P., for Devizes, from 1818 to 1832, and formerly a director of the Bank of England.

26. At Mudiford, aged 26, the hon. George Augustus Craven, a deputy-lieutenant of Middlesex, only brother to earl Craven.

28. At Frankfort on the Maine, in his 60th year, Nathan Mayer Rothschild, esq., of London, the greatest millionaire of the present or probably any other age. The founder of the house of Rothschild, Mayer Anselm, was born at Frankfort, in the Jews' alley. He was brought up with the view of making him a priest. He studied with great application, and soon became one of the most learned archaeologists. However, his father, contrary to his inclination, placed him in a counting-house in Hanover. Mayer Anselm, although he did not renounce his taste for science, executed his commercial duties with skill and success. The Landgrave, since elector of Hesse, appointed him in 1801 banker to his court. Mayer Anselm died in 1812, leaving to five sons a considerable fortune and unbounded credit. He especially recommended them to remain united; and they followed his advice. The five brothers have taken part in most of the great financial affairs of Austria, of France, of England, and of almost every country. Mr. Nathan Mayer, of London, was considered the chief of the family, although he was not the eldest. He came to England in 1800, where he acted as agent for his father in the purchase of Manchester goods for the continent. Shortly afterwards, through the agency of his father for the elector of Hesse Cassel, and other German princes, he had large sums placed at his disposal, which he employed with extraordinary judgment, and his means went on at a rapid rate of accumulation. His youngest brother, James, then coming to reside in Paris, Mr. Rothschild was induced to fix himself permanently in London. Mr.

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### DEATHS—AUGUST.

Rothschild married in 1806 Hannah, third daughter of Mr. Levi Barnett Cohen, a merchant in London, by whom he had four sons and three daughters. The eldest daughter is married to a son of baron Ahselm Rothschild, of Frankfort; and it was the marriage of the eldest son, Lionel, to a daughter of baron Anselm, that called the deceased to Frankfort. There he was attacked with illness and died. The corpse of Mr. Rothschild, attended by the whole of his family, with the exception of his son Nathan, arrived in the river at London on the 4th August, and was conveyed to his house in New-court, St. Swithin's-lane. The funeral took place on Monday, August 8. The hearse, drawn by six horses, was followed by thirty-six mourning, and forty-one private carriages; among the latter of which were those of the Austrian, Russian, Prussian, Neapolitan, and Portuguese ambassadors; lord Stewart, lord Dinorben, lord Maryborough, the Lord Mayor, Sheriffs, and many of the aldermen of the city of London. On reaching Whitechapel church, the children belonging to the Jews' Orphan School in Bell-lane, and to the Free School and Jews' Hospital in Mile-end-road, joined the procession, which continued to move slowly, until the hearse drew up at the north entrance of the burial-ground belonging to the Great German Synagogue in Duke's-place. Mr. Aarons, the minister of the burial-ground, performed the Hebrew service, and Dr. Solomon Herschell, the high priest or rabbi, delivered in the English language a most feeling and eloquent address. In observing on the generosity and benevolence of the deceased, Dr. Herschell said, that, independently of his subscriptions to almost every public charity, both Jewish and Gentile, Mr. Rothschild had, from time to time, placed in his (Dr. Herschell's) hands many thousands, to be devoted by him in charity to needy and deserving objects.

30. At his residence, Kingstown, near Dublin, in his 77th year, the right hon. Arthur James Plunkett, eighth earl of Fingall.

— In Hanover-street, Hanover-square, Sir John Drummond Erskine, the fourth baronet, of Torrie, county Fife. He has bequeathed a collection of paintings, forty-six in number, and several Greek and Roman

marbles and bronzes, to the college of Edinburgh.

*Lately.* Aged 80, Sir Robert Barnewall, bart., of Crickstown Castle and Greenanstown, county Meath.

### AUGUST.

1. At Roehampton, after a protracted illness, the most hon. Mary Hill, dowager marchioness of Downshire, baroness Sandys, of Ombersley, county Worcester (1802).

4. Aged 56, Mr. Henry Cave, artist, of York, publisher of "Fragmenta Vetusta; or, the Remains of Ancient Buildings in York;" a view of the city from Lamel-hill Mill; and several other prints connected with that city and suburban scenery.

5. At Towneley, aged 79, Barbara, widow of sir Thomas Stanley, the 5th bart. of Hooton, Cheshire.

7. In Portman-street, Portman-square, lieutenant-general Henry Raleigh Knight.

8. At Ballyleidy House, Downshire, aged 81, the right hon. James Blackwood, baron Dufferin and Claneboye, of Ballyleidy and Killeyleagh.

10. At Paris, Richard Nagle, esq. late of Anakissy, county Cork; in consequence of having been wounded with a dagger by an assassin on the night of August 8.

12. At Pepper Harrow Surrey, in his 82d year, the right hon. George Brodrick, 4th viscount Midleton.

16. At Llanwrn, Catherine, widow of sir R. Salisbury, bart.

— At Holden, Isle of Wight, aged 34, the honourable and reverend Mungrave Alured Henry Harris, only surviving brother to Lord Harris.

17. At St. Ildefonso, near Madrid, M. de Rayneval, the French ambassador at the court of Spain.

— At the castle of Louisenlund, in Denmark, in his 92nd year, the Landgrave Charles of Hesse Cassel.

18. At Paris, Thomas Reynolds, the United Irishman who disclosed to government the treasonable designs of that society in 1798.

— At Holt Lodge, Berkshire, lieutenant James Butler, of the Royal Artillery invalids, late lieutenant-governor of the Royal Military Colleges, Marlow and Sandhurst.

21. At his seat, Newtown, near Tullamore, King's County, aged 70, the

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### DEATHS—August.

hon. sir William Cusack Smith, the second baronet, of that place, (1799); second baron of the Court of Exchequer in Ireland, LL.D. F.R.S. &c., &c. He was born on the 23rd January, 1766, the only son of the right. hon. sir Michael Smith, the first baronet, and was one of the barons of the Exchequer, and afterwards Master of the Rolls in Ireland. Sir William entered as a gentleman commoner of Christ church, Oxford, in 1784, and took a bachelor's degree at that university. During his university course, he spent all his vacations with his friend Edmund Burke, at Beaconsfield, or at Burke's house, in London. He was called to the Irish bar in 1788; and having subsequently taken the degree of LL.D, he was admitted as an advocate in the spiritual courts. In 1795, he obtained the rank of King's Counsel; and was returned in the same year to the Irish House of Commons, as M.P. for the borough of Donegal. In that house, he took a decided part in support of the measures of Mr. Pitt, and of the Union, and he also efficiently assisted the same cause in some able pamphlets. In 1800, he was appointed Solicitor-general for Ireland; and in January, 1802, he succeeded his father as a baron of the Exchequer, upon sir Michael Smith being appointed Master of the Rolls. He succeeded his father in the baronetcy on the 17th December 1808. In politics, he leaned to the constitutional doctrines of the old Whigs, and was an advocate of Roman Catholic emancipation. For this, as well as for the general tenor of his judicial life, he was the constant subject of Roman Catholic panegyric, both in their journals and at public meetings; but no sooner had he, by his charges to the various Grand Juries of his circuit, warned the country against the destructive and revolutionary measures of the repealers, than they made him the constant object of the foulest abuse. In the year 1834 an attempt was made to displace him by an address of the House of Commons, but the daring falsehoods urged against him were defeated by the prompt refutation they received; which prompt refutation drove the House of Commons to the unusual course of rescinding its vote. In the intervals from his judicial labours, baron Smith devoted himself to literary pursuits, to which he was passionately attached. He was the

author of "An Address to the People of Ireland on the proposed Union between the two kingdoms, 1790." "Review of Mr. Foster's Speech, 1799." "Letter to Mr. Wilberforce on the Slave Trade." "Letter on the Catholic Claims, written to Mr. Burke, 1808." "Tracts on Legal and other Subjects, 1811." "Inquiry into the Competency of Witnesses, with reference to their Religious Opinions, 1811." "An attempt to show that Witnesses ought not to be required to bear testimony to their own disgrace, 1811" "On that part of the Law of Evidence which relates to the proof of Deeds, 1811" He published a pamphlet on the "Hohenlohe Miracle;" and a singular but able volume, entitled "Metaphysic Rambles."

21. At Datchet, vice-admiral sir John Gore, K.C.B. and G.C.H., late commander-in-chief in the East Indies.

22. Aged 17, John Squire Carey, the son of the late Dr. Carey, the editor of Ainsworth's Dictionary, the Delphin Classics, &c. He was a youth of promise, but was fond of talking of suicide as being deemed meritorious by the ancients, and at length followed the classical example by shooting himself. —Verdict Temporary Insanity.

— At Lisson-grove, aged 90, the right honourable lady Jane Lyon.

24. In Tynney-street, Mayfair, aged 83, Arthur Stanhope, esq. Comptroller of the Foreign Letter Department (salary 2,000*l.*) cousin to the earl of Chesterfield.

— At Killoy, near Cardiff, Glamorganshire, sir Christopher Cole, K.C.B. captain in the Royal Navy, col. of Marines, D.C.L. and for many years M.P. for Glamorganshire.

26. In Buckingham-street, Strand, aged 70, Mr. James Power, the eminent music-publisher.

— At Berlin, aged 74, the celebrated Dr. Hufeland, chief physician to the king, author of a Treatise on Longevity and other valuable works.

28. At Tenby, in his 81st year, R. Shelton Covell, esq.

30. At Fendlebury, near Manchester, aged 61, Charles Henry, M.D., one of the greatest scientific ornaments of that town, and a chemist of the highest reputation. He was the son of an eminent manufacturing chemist of Manchester, whose business he has since carried on and maintained. Dr. Henry finished his education in the University

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### DEATHS.—SEP.

of Edinburgh, where he attended the lectures of the illustrious Dr. Black, one of the fathers of chemistry; and was the associate and friend of Brougham, Jeffrey, and Mackintosh. Soon after the termination of his collegiate education, he delivered, in Manchester, several courses of lectures on chemistry. These lectures were illustrated by an expensive apparatus, and contained experiments of a highly interesting character. The notes of these courses ultimately led to the publication, in 1799, of a small volume on the science, which, in successive editions, gradually became a detailed and excellent treatise on the subject. Besides this publication, he contributed many papers to the transactions of the Royal Society of London, to the memoirs of the Literary and Philosophical Society of Manchester, and to several periodicals. Occupying a splendid establishment, he displayed commensurate hospitality. He had just returned from the meeting of the British Scientific Association at Bristol, where he was appointed one of the Secretaries for the next year's meeting at Liverpool. For some time he had been in a very indifferent state of health, and had occasionally laboured under great nervous irritability. His indisposition was increased by the excitement consequent upon the meeting of the association; and he suffered under an almost total privation of sleep, which appears to have finally overpowered his faculties. He was found in the private chapel attached to his house, quite dead, having shot himself with a pistol, the report of which had not been heard by any of the family.

31. At Woodhouse, aged 56, Charles Allsop, esq., of Broombriggs, high constable for the Hundred of West Goscote. He was a fellow of the Geological Society; and has left in manuscript a Geological Survey of Charnwood Forest.

*Lately.*—At Edinburgh, sir James Home, of Blackadder, county Berwick, bart. (1671.)

— At Airth, Thomas Graham Stirling, esq.

— At his seat in Scotland, aged 71, lieut.-general sir John Hope, G.C.H., colonel of the 72nd Highlanders.

### SEPTEMBER.

3. In Horseshoe-alley, Petticoat-lane,

aged 72, Dan Mendoza, the well-known Jew pugilist.

5. In Sligo, lieutenant-colonel Gilbert Elliott, late 47th regiment.

— In Fitzroy-place, Surrey, aged 81, the worshipful William Battine, LL.D. and F.R.S., chancellor of the diocese of Lincoln, commissary of the Royal Peculiar of St. Katharine, one of the senior members of the Prerogative Office or College of Laws; formerly his Majesty's advocate-general in the High Court of Admiralty, and one of the gentlemen of the Privy Chamber in ordinary to king George the Fourth. He was, in his day, an eloquent pleader, and was engaged in the greater number of important causes relative to divorces, for many years occurring in the Prerogative Court, and frequently in the House of Lords. His predecessor and his successor, both acquired very large fortunes in the office of king's advocate; but, Dr. Battine was reduced to a condition of comparative poverty some time before his death.

5. At Boulogne, Charlotte, wife of Vice Admiral Sir Willoughby Lake, K.C.B.

7. At his house, in Greenwich, John Pond, esq., Fellow of the Royal Society, of the Royal Astronomical Society, a corresponding member of the French institute, and an honorary member of most of the astronomical societies in Europe.

8. Aged 68, the reverend Benjamin Boothroyd, D.D. pastor of the Independent Church at Highfield Chapel, Huddersfield. In 1810—1813 he published a quarto edition of the Hebrew Scriptures, in quarterly parts; and previously in 1807 a "History of the ancient Borough of Pontefract," where he was then a printer and bookseller.

11. At Calais, Thomas Foster, esq., of Woolton Hill, near Prescott, late town clerk of Liverpool; from which office he retired with an annuity of 2,500*l.* by way of compensation.

13. At Bath, aged 78, the right hon. Charlotte Mary Gertrude Strutt, baroness Rayleigh of Terling Place, Essex.

14. In the vicinity of Florence-court, aged 108 years, the wife of Mr. Oliver Wallace, who is himself in his 102nd year. Mrs. Wallace left behind her the numerous progeny of 50 grandchildren, very many great-grandchildren, and 30 great-great-grandchildren.

16. At Weston, Hertfordshire, Robert Lambert, esq., vice-admiral of the Blue.

## DEATHS.—SEP.

18. At Hastings, aged 52, Henry Hoare, esq., only son of Sir Richard Colt Hoare, of Stourhead, bart.

20. At Lark Hill, near Liverpool, aged 82, Arthur Heywood, esq., banker, of Liverpool, and the only surviving brother of the late J. P. Heywood, esq., of Wakefield.

20. At Uttoxeter, Mr. Crossley, in his 101st year.

23. At Manchester, aged 28, Madame Malibran de Beriot, the excellent vocal actress. Maria Felicitas, the eldest daughter of Senor Manuel Garcia, a celebrated tenor singer of the Italian Opera, was born in Paris in 1808. When only eight years of age, she accompanied her parents to London, where a residence of several years rendered her acquisition of the English language little more than a natural result. Her youth was one of unceasing study and harsh constraint. Her father, the best singing master in Europe, compelled her to conquer a voice by no means of the finest natural quality, and to acquire a theoretical as well as a practical knowledge of music, with a violence to which it is painful to advert. In the year 1825, she made her first appearance on the stage of the Italian Opera in London. "Her extreme youth," says lord Mount Edgumbe, in his musical reminiscences, "her prettiness, her pleasing voice, and sprightly easy action, gained her general favour." This agreeable impression was confirmed by her performance in "*Il Crociato*," which was brought out by Velluti, at the latter end of the same season. Subsequently, she appeared, with an increased credit to herself, at the York festival. In 1826, she accompanied her family to America, to assist in the novel attempt to establish the performance of Italian operas in that country. Senor Garcia carried with him a very inefficient company, and the speculation was attended with little success. The most laudable motives induced the young Maria, the admired of all men, to marry at this time an elderly French merchant at New York, M. Malibran. This merchant almost immediately afterwards failed, and was cast into prison; and Madame Malibran, believing she had been deceived, voluntarily gave into the hands of his creditors her marriage settlement, left her husband, and returned to Europe. Although as yet but a girl, the love of her art, intense study, and the motives she had for exertion, had

made her a performer of unrivalled excellence. The whole of the dilettanti of Paris were kept constantly in raptures, and every night she concluded her performances amidst a thunder of applause and a shower of flowers. From Paris, she returned to London; where, at the King's Theatre, she shone with increased lustre, through the brilliant season of 1829: Her principal characters were "*Rosina*," "*Tancredi*," "*Desdemona*," "*Semiramide*," "*Zerlina*," "*Romeo*," and "*Ninetta*." She traversed extraordinary distances to fulfil her numerous engagements; and her slight frame seemed endowed with a power of endurance almost equal to the surprising readiness and ever-active heroism of a spirit which no difficulty was able to appal. Her last engagement at Naples was for 80,000 francs and two benefits and a half, for forty nights; while that into which she entered at Milan, with Visconti (the director of La Scala), was exclusively of other profitable stipulations, 450,000 francs, for 185 performances. In the spring of 1834, Madame Malibran was gathering fresh laurels at Rome, where she gave a concert for the benefit of a family in extreme indigence, which realised for them the sum of 600 pieces of gold. In May, of the same year, she made her *debut* at Milan, with astonishing *éclat*. It was here that a medal, in honour of her excelling talents, was struck, bearing her likeness, with the motto on the reverse, "*Per universale consenso proclamata mirabile nell' azione e nel canto*." Her subsequent stay at Venice was concluded with a charitable action. The proprietor of one of the theatres requested her to sing once at his. "I will," answered she, "but on the condition that not a word is said about remuneration." The poor man was saved from ruin. We next find this indefatigable and extraordinary woman at Naples. From Naples she re-visited Paris, and then proceeded to fulfil her engagements in England, for the season of 1835. Madame Malibran's first appearance in an English version of *La Sonnambula*, took place at Covent Garden, on the 18th of May. Her thorough knowledge of the English language, (learned in early years,) combined with that full-toned pronunciation she acquired in singing Italian, and her high dramatic talent produced an union of means of enchantment as yet unknown to the

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English stage. Her toil must, at this time, have been excessive, from the number of professors requiring her aid at concerts, and the overwhelming invitations to assist at the royal and noble parties of the season; but her nerve and spirit appeared to be unquenchable. She would, after these great exertions, rise sometimes at five or six o'clock in the morning, and in her *robe de chambre*, practise for several hours those miraculous chromatic passages by which audiences would be electrified. Now and then she would break off in the midst of her musical study at the sudden thought of some attitude she would try before her glass, which was appropriated to second the effect of what she was singing. It was thus one day the attitude struck her which produced such unbounded applause in the *Horatii e Curiazii*, when the news of the death of her lover is announced to the heroine. Far from seeking in sedentary repose, relief from her exertions, Malibran would mount a horse, the more praiseworthy the better, and ride as fast as his speed would carry her, as long as her attendants would follow her. She was not only a bold but an elegant horsewoman. In March, 1836, Madame Malibran, then in Paris, and freed, by the French courts, from the bondage of her union with Monsieur Malibran, was married to Monsieur de Beriot, a Belgian, whose surpassing ability as a violinist had placed him in the highest rank of his profession. On this occasion, the queen of the French presented her with a magnificent *agraffe*, adorned with pearls. On the 2nd of May following, Madame de Beriot resumed her English performances at Drury Lane Theatre; and, on the 27th of the same month, appeared in "The Maid of Artois," which, owing to her exertions, obtained the highest success. At the close of the season, she accompanied her husband to Brussels, and other cities on the Continent, where her progress was a succession of triumphs. Her voice was a contralto in character; but it extended to a range that was astonishing. She could descend to F and E flat, below the lower C in the treble clef, and reach C and D in alt. Having been engaged for the Manchester grand musical festival of the present year, she arrived in that town, after a rapid journey from Paris, on Sunday, the 11th of September. On the Monday evening she went through the fatigue of

singing no fewer than fourteen pieces with her Italian friends. She was ill on Tuesday; but she insisted upon singing both morning and evening, lest her illness should be reported to be only feigned. On Wednesday her indisposition was still more evident, but she gave the last sacred composition she ever sang, "Sing ye to the Lord!" with thrilling effect; and on that evening, the 14th, her last notes in public were heard, in the duet, "Vanne se alberghi in petto," from *Andronico*, with Madame Caradori Allan. It was received with enthusiastic applause, and the last movement was encored. She did repeat it; but it was a desperate struggle against sinking nature—she never sang afterwards. A strong effort of emulation and rivalry between the two ladies was evident to the audience. She was immediately bled, and removed to her apartments at the Moseley Arms, where she was attended by Drs. Holl and J. A. Bardsley, and by Mr. Worthington. Her physician, Dr. Belluomini, of the Quadrant, London, arrived at Manchester, three days after; he declined holding a consultation with the gentlemen already named, alleging that, as he was a homœopathist, and as his practice was consequently very different from theirs, a consultation could be of no use whatever. She continued gradually getting worse; until, on the afternoon of Thursday, September 22, she became insensible, and her general condition so alarmed Dr. Belluomini, that, after suffering considerable anxiety, he determined to call in a surgeon. Mr. William Lewis was accordingly summoned; and he pronounced her state to be that of extreme danger. On the following evening she expired.

27. At Venice, Countess Isabella Theotiski Albrizzi. She was a Greek by birth, being born at Corfu; but like Ugo Foscolo, came early into Italy, the language of which she studied, and afterwards wrote with great beauty and purity. She was twice married—first to Marino, a man of letters, at Venice; and lastly to the count Joseph Albrizzi. Her best work was that called *Ritratti*, which was a series of contemporary portraits sketched by a clever hand. From her powers of conversation and graceful manners, Lord Byron called her "the Madame de Stael of Venice."

28. At Kingston-upon-Thames, aged 92, the right hon. sir Robert Graham, a privy councillor, and formerly one of

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the barons of the Court of Exchequer. Sir Robert Graham was the son of a schoolmaster who resided at Dalston, near Hackney. He was entered at Trinity College, Cambridge, in the year 1762, and took his B.A. degree, being third wrangler (his classical attainments being also of the highest order) in 1766. He soon after attached himself to the profession of the law, and having been appointed attorney-general to the Prince of Wales, with whom he was a great favourite, he, in November, 1799, was promoted to be a baron of the Exchequer, and received the honour of knighthood June 19, 1800. He retired in February, 1827. His present majesty subsequently called him to his privy council.

29. At Binfeld-park, aged 78, Margaret, widow of sir John Walsh, bart.

30. At Mexico, general Arago, brother of the celebrated astronomer; from his fatigues in the war of the Texas, where he acted under Santa Ana, as director-general of the engineers. He was originally in the French army, and went to America in 1816 with general Mina, and contributed by his efforts to deliver Mexico from the yoke of Spain.

30. At Paris, aged 60, General Lammarois, who was one of Napoleon's aides-de-camp.

— Mr. Griffith Williams (Gutyn Peris), of Bwlch Talog, Carnarvonshire, an able antiquary, and one of the most celebrated Welsh bards.

## OCTOBER.

5. At University College, Oxford, after a severe illness of three weeks, aged 54, the rev. George Rowley, D.D., Master of that Society, vice-chancellor of the University, and rector of Stanwick, Northamptonshire. Dr. Rowley was educated at Abingdon School, under the late Dr. Lempriere, and entered as a member of the University College, November 1, 1799, being then 17. Having received the highest honours at the public examination in the Easter Term preceding, he took the degree of B.A. June 21, 1803, became M.A. May 8, 1806, was elected to a fellowship of University, February 13, 1807, appointed tutor of that college in the course of the next year, and nominated public examiner in 1810. Upon the death of Dr. Griffith, in 1821, he was unanimously chosen to succeed him in the Mastership of University.

5. Drowned from a pleasure-boat off Guernsey, together with his wife, mother, and two boatmen, aged 25, Mr. George J. Pelly White, M.A., Professor of Mathematics in the University of London, and formerly of Trinity College, Cambridge.

9. At Saumarez, his seat in the island of Guernsey, in his 80th year, the right hon. James Saumarez, lord de Saumarez, of the Island of Guernsey, and a baronet, G.C.B. G.C.S. admiral of the Red, and general of the royal marine forces.

11. At Chelsea, aged 62, Mr. R. G. Ashley, formerly principal viola in the orchestra at the King's Theatre, and youngest brother of the well-known musical family.

14. Aged 46, James Wyld, esq., geographer to the king. His principal works are—"A Scripture Atlas," 8vo. "Thompson's Edinburgh Atlas," folio. "An Atlas of the World," folio. A smaller work, with Statistical Tables; besides a mass of separate maps and charts.

16. At East Haddon, Northampton, aged 83, William Sawbridge, esq.

17. At Glasgow, aged 110 years, Mrs. M'Donald.

20. At his house in Montagu-square, John Maitland, esq., rear-admiral of the Red.

21. At Edinburgh, Donald Gregory, esq., secretary to the Society of Antiquaries of Scotland, and author of the History of the Highlands and Islands of Scotland.

24. At Cheltenham, Mary, wife of sir Archibald Grant, of Money Musk, county Aberdeen, fourth bart.

— At Hendon, in his 60th year, William Willoughby Prescott, esq., of Threadneedle-street, a director of the Atlas Insurance Company.

25. At Worcester, lady Grant, sister of lady Faulkner, of Cheltenham.

— At Penn House, near Amersham, in her 37th year, the right hon. Harriet Georgiana Countess Howe.

25. Charles Day, esq., the wealthy blacking manufacturer, of the firm of Day and Martin, High Holborn. His property, not including an estate at Catterham, near Croydon, in Surrey, is said to amount to 450,000*l.* sterling.

26. At his residence in Brompton-square, aged 74, George Colman, esq., the dramatic writer. George Colman, "the younger," as he would have called himself had he lived to eternity, was

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born 21st October, 1762. His father, George, "the elder," was the translator of "Terence," a writer in the "Connoisseur," and author of "The Clannestine Marriage." At the time of the dramatic George the Second's birth, Mr. Colman was joint proprietor and manager of the Haymarket Theatre, his share in which he soon after relinquished. George, "the younger," commenced his education at the academy of Mr. Fountain in Marylebone, a seminary then in high repute. He remained there about two years, when his mother died, and he was sent to Westminster school. His father's residence was in Soho-square, whither he was permitted to repair on holidays; and by this means he was, while a child, brought into the company of Johnson, Gibbon, Goldsmith, and that "constellation of genius" which crowded round his father's table. In 1777, Colman, "the elder," purchased of Mr. Foote the little theatre in the Haymarket. The boy, who was now about fifteen years of his age, "after long and vehement suit," gained admittance to the green-room of the theatre, and the greater part of his Midsummer holidays were ever after spent within its purlieus. In 1779 he left Westminster school, and became an undergraduate in Christ church, Oxford, where he was more remarkable for quickness of parts than the love of study. He gained the address and manners of a gentleman, whilst he learned to be fashionable, witty, and idle, alternately revelling in the pleasurable and dissipating scenes of Oxford and the Haymarket Theatre. In 1781 his father, disapproving of his son's conduct, removed him to King's College, Aberdeen, where he sojourned two years. He first amused himself by writing a poem, and then a farce: the latter, called, "The Female Dramatist," he transmitted to his father, who produced it anonymously in 1782, on a benefit night at the Haymarket Theatre. Mr. Colman has told us it was "uncommonly hissed." Nothing disheartened, he soon wrote another, which was performed after his return to London, in 1784. On the 29th of June in that year, his first acknowledged play, "Two to One," a musical comedy, was brought forward, and introduced to the public by an admirable prologue from the elder Colman, announcing it to be from the pen of "a chip of the

old block." Its success was prodigious. In the latter part of the year 1784 he eloped with Miss Catherine Morris, and was married to her at Gretna Green: it was acknowledged a few years after, and they were married a second time in Chelsea church. His father, desirous of placing him in some honourable profession, had chosen the bar, where he would have enjoyed the patronage of lord Erskine and other eminent men. The younger Colman, therefore, was entered a student of Lincoln's-inn, and provided with chambers in the Temple. His father presented him with those law books which had been given to him by lord Bute in his Lincoln's-inn days. The son made even less use of them than his father had made before him; and in the chambers which he occupied for the study of Blackstone, he wrote a musical comedy called "A Turk or No Turk," which was acted in the summer of 1785. It was not so well written, nor was it so well received as his former effort. About this time the elder Mr. Colman was seized with a paralysis, from which he never recovered; a sudden transition of fortune seems at this moment to have plunged the Colmans from affluence into penury. The younger Colman no longer wrote his plays for amusement, but to gain subsistence for his father, his newly-married wife, and himself. His genius was stimulated by misfortune. The opera of "Inkle and Yarico," was first acted August 11, 1787. His next production was "Ways and Means" a comedy, the prologue of which wounded the newspaper critics, who nearly damned the play. "The Battle of Hexham," a musical drama, 1789, "The Surrender of Calais," a play, 1791, and "Poor Old Haymarket," a prelude in 1792, were his next works. And after his father's demise, George Colman "the younger" reigned monarch of the Haymarket Theatre. He opened it for the season 1795, with a very clever "occasional piece," entitled "New Hay at the Old Market," (since called *Sylvester Daggerwood*) being a satire on the extended dimensions of the two principal London theatres. In the course of the same summer he produced a play called "The Mountaineers," which found deserved favour with the town; and in the spring of the following year, his play, "The Iron Chest," founded on Godwin's novel "Caleb Williams,"

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was performed for the first time in Drury-lane Theatre. In this really excellent drama, Mr. Colman unwisely introduced a passage which annoyed his friend the late John Kemble, and which was certainly intended as a satire on him. This caused a foolish war between them. The great actor had to perform the character of sir Edward Mortimer, on which the interest of the piece depends, and (so the story goes) in return for Mr. Colman's wit, damned his play by the little care which he bestowed upon it. Mr. Colman immediately published the play, with a biting preface directed in the teeth of Kemble. This memorable quarrel was soon after adjusted. "The Iron Chest" became very popular, and its author did all in his power to smother the preface, which has not appeared in the many subsequent editions of the play. Mr. Colman next wrote "The Heir at Law," one of the best of his comedies; and the "entertainment" of "Blue Beard," the latter at the instance of Michael Kelly, the composer, who furnished him with plot and music, and gave him 200*l*. for writing words to them. In this spectacle, first acted 16th June, 1798, says Kelly, Edmund Kean, who was then an infant urchin, rode an elephant (in perspective machinery) over the scenic mountain. "Blue Devils," a farce, followed in 1798; "Feudal Times," a drama of the Blue Beard kind, 1799; and "The Review, or the Wags of Windsor," a farce, in which Johnstone, Emery, and Fawcett, acted. "The Poor Gentleman" was produced in 1802. "No Prelude," a prelude, in 1803. "Love Laughs at Locksmiths," a farce, in 1803. "Gay Deceivers," a farce, in 1804. "John Bull," a comedy, in 1805. "Who wants a Guinea?" a comedy, in 1805. "We Fly by Night," a farce, in 1806. "The Africans," a play, in 1808. "X. Y. Z." a very laughable farce, in 1810; and the "Law of Java," a rather dull musical drama, in 1822; together with countless lively prologues and epilogues. Many years of Mr. Colman's life were spent in great poverty. In 1807 he admitted partners into the concern of the Haymarket Theatre, not having money sufficient to carry it on alone. Afterwards being pressed for money, he found it difficult to realise his theatrical property, which became entangled in a law suit, and at one time he was forced to reside in the

King's Bench. Through the kindness of the late king, he was at length, in February, 1824, relieved from these distresses by an appointment to the situation of licenser and examiner of plays, an office for which he had undoubted capabilities and of which he performed the duties rigorously. His emoluments were from 300*l*. to 400*l*. a year. Mr. Colman was married twice. On the death of his first wife, from whom he had been long separated, he married Mrs. Gibbs, the celebrated actress. Mr. Colman wrote also "My Nightgown and Slippers," 4to., 1797; "Broad Grins," comprising My Nightgown and Slippers, with additional Tales in verse, 1802, 7th edition, 1819; "Poetical Vagaries," 4to., 1812; "Vagaries Vindicated; or, Hypocritic Hypercritics," a poem addressed to the Reviewers, 4to., 1813; "Eccentricities for Edinburgh," no date.

27. Aged 75, M. Raynouard. He was born at Brignole in Provence, on the 17th September, 1761. Until near forty years of age, he practised as an advocate; when having attained an honourable independence, he determined to apply to literature, of which he was the devoted admirer. In 1791 he was nominated a member of the Legislative Assembly; but shortly after, being undeceived in the favourable opinion he had formed of its tendencies, was thrown into prison in the May of that year, and did not recover his liberty until after the 9th Thermidor. In 1806 he was summoned to the Corps Legislatif, by the department du Var. In 1811 he still sat in that assembly, and he was chosen, together with Lainé, a member of the commission charged to report to the emperor on the state of France. Their sentiments, which were dictated by M. Raynouard, were more true than pleasing to the tyrant, and the Corps Legislatif was dissolved. In 1814 he obtained the prize at the Institute for a poem, entitled, "Socrate dans le temple d'Aglaure." In the following year he brought forward his tragedy of "Les Templiers," which had previously been declared deserving of the great prize, in M. Geoffroi's report on the duennial prizes in 1810. That judgment, however, was not approved by the emperor, and M. Raynouard was not crowned. He was, however, nominated a chevalier of the Legion d'Honneur, and he had in 1807 succeeded the poet

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Lebrun in the second class of the Institute. Being retained, in 1815, on the list of the members of the *Académie Française*, he obtained, on the 20th October, in the same year, the honour of being enrolled also in the *Académie des Inscriptions et Belles-Lettres*. Finally, in 1817, he succeeded Sicard as Perpetual Secretary, and during many years discharged the duties of that office with indefatigable zeal. Some years before his death, he resigned many engagements, and among others that of Secretary to the *Académie*, for the purpose of devoting himself entirely to his "*Glossaire comparé de la langue des Troubadours*." Of this valuable work the first volume only has been published; but, as he has left all the necessary materials in an advanced state of preparation, its completion is expected from some one of his surviving friends.

28. At Bath, aged 85, the right hon. Isabella, lady Sydney, aunt to the Earl of Howth.

29. At St. Ibbes, near Hitchin, Hertfordshire, aged 75, the rev. William Lax, M.A. F.R.S., vicar of that parish, with Great Wymondly, and of Marsworth, Bucks; and Lowndes professor of astronomy and geometry in the University of Cambridge. This distinguished mathematician and astronomer was a member of Trinity College. He took his degree of B.A. in 1785, when he was senior wrangler and first Smith's prizeman. He became Fellow of his college; and, after some years spent in tuition, accepted from that society in 1801 the livings of St. Ippolyt's and Marsworth. In 1795 he was elected to the professorship of astronomy and geometry, founded by Mr. Lowndes. He was the author of several works connected with science; the most elaborate of which was his tables, to be used with the "*Nautical Almanack*," which were published by the late Board of Longitude, in 1821; and a new edition of them is understood to have occupied some of the later part of his life.

30. Don Martin Serrano, late Member of the Cortes for, and Judge of the Supreme Court of, Valencia Spain.

31. At his father's house, in Grosvenor-street, London, aged 38, John Marshall, jun., esq., of Headingley near Leeds, one of the first representatives of that borough in Parliament.

*Lately.* Aged 42. Mr. John Tait, editor of *The Glasgow Liberator*. He

was bred a weaver, and was the adviser of the operatives in many difficulties, as well as of the Liberals generally, of the west of Scotland.

*Lately.*—At Eastling, Mr. John Drury, aged 101, leaving a widow, his second wife, aged 94.

—Walter Kavanagh, esq., eldest son of Thomas Kavanagh, esq., of Borris, M.P. for the county of Carlow, by his first wife lady Elizabeth Butler, sister to the present marquis of Ormond.

*Lately.* At Elgin, major-general William Stewart, C.B. late of the 40th regiment.

*Lately.*—At the Richmond-house, Mesereau's ferry, Staten Island, near New York, aged 80, colonel Aaron Burr. He was born the 6th of February, 1756; and joined the army under general Washington, then before Cambridge, as a volunteer, in August, 1775. He was aid-de-camp to general Montgomery on the memorable night of the 31st December, 1775, when the assault was made on the city of Quebec, at which that distinguished officer fell. After serving the campaign of Canada, he returned to New York and entered the family of general Washington. He was soon appointed aide-de-camp to general Putman, and fought bravely in the battle of Long Island, after which he was made colonel in 1777, and remained in the army, and was a conspicuous officer in the battles of New Jersey. In 1780 he retired in consequence of illness, arising out of his fatigues at the battle of Monmouth. As soon as peace was declared he was appointed a judge of the Supreme Court of the state of New York, which honour he declined. He served as attorney-general until he was chosen United States' senator, which he held from 1793 to 1799. In 1801 he was chosen vice-president, which term expired in 1805. On the 10th of July, 1804, he killed in a duel, general A. Hamilton, who had been ambassador from the United States to France. This unfortunate occurrence put a final end to his official career, and in fact drove him from his country. He then engaged in the celebrated Burr's expedition destined to Mexico—was arrested, tried for high-treason, and acquitted at Richmond in 1807. He soon after left the country, but returned about 1811, and recommenced his profession as counsellor at law.

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## NOVEMBER.

4. At Goritz, in Illyria, in his 80th. year, his majesty Charles the Tenth, late king of France, and K.G. Charles Phillipe de Bourbon was born Oct. 9, 1757, and was the fifth and youngest son of the Dauphin Louis, son of king Louis the Fifteenth, by his second wife Maria Josepha of Poland, third daughter of Augustus the Third, king of Poland, and elector of Saxony. The title of comte d'Artois was given to him in infancy, and he retained it until the accession of his brother Louis XVIII. when he assumed that of Monsieur. The comte d'Artois was married on the 17th November, 1773, to the princess Maria Theresa, daughter of Victor Amadeus III. king of Sardinia, and sister to the consort of Louis XVIII. at which period he was only in the 17th year of his age. By this princess, who died at Gratz, in Hungary, the 2d June, 1805, he had two children—Louis Antoine, duc d'Angoulême, born the 6th of August, 1775, who, on his father's succession to the throne, became Dauphin of France, and who married Theresa Charlotte, his first cousin, the only daughter and only surviving child of Louis the XVI. but by whom he has no issue; and Henry Charles duc de Berri, who married, in 1818, Maria Caroline, daughter of Francis I. late king of the Two Sicilies, by whom he had two children, viz., Maria Theresa Louisa (called Mademoiselle), born 28th September, 1819, and Henry Charles Dieudonne d'Artois, duc de Bordeaux, (a posthumous prince), born the 29th September, 1820. The duc de Berri was mortally wounded by an assassin in Paris, on the 14th of February, 1820, and died the following morning. The comte d'Artois was never favourably spoken of with reference to his domestic relations. On the contrary, he had a character for dissipation and extravagance, which rendered him highly unpopular. The comte d'Artois quitted France at the onset of the Revolution. He visited the court of his father-in-law, the king of Sardinia, at Turin, and subsequently other parts of Europe; but at length sought an asylum in England, where he resided for a considerable period. Becoming deeply involved in pecuniary embarrassments, and some of his creditors being very clamorous and urgent, Holyrood-house, Edinburgh, being a privileged place, was fixed upon by the British govern-

ment as a residence for the comte. Some arrangement having been effected with his creditors, he was subsequently enabled to live at Hartwell, with his brother Louis XVIII. A circumstance occurred to the comte d'Artois whilst in England, which is said to have altered the frame of his mind, and to have brought on that sort of gloomy moroseness which marked some parts of his subsequent conduct. The comte had a great many mistresses, but the one to whom he was most tenderly attached was Mme. de Polastron. Some time before her death, the chaplain in ordinary of the comte d'Artois died, and a substitute was sought for. M. de Latil, then only an Abbé, was preparing to embark for America, when the vacant appointment was offered to him. It was then but a poor provision, but the young Abbé preferred it to taking the chances of a voyage to America. Mme. de Polastron, who was then in a dying state, wished to prepare for her approaching end, but she had lost her ordinary confessor, and had but a limited confidence in the young chaplain. She, however, desired to see him, and after frequent interviews, made her confessions. Upon this she entreated the comte d'Artois to promise to comply with a last request she would make to him. The prince entered into the engagement. It is said that Mme. de Polastron then made him solemnly swear he would never give his affections to another woman. This ceremony left a deep impression on the weak mind of the comte. Madame de Polastron having thus enchained the future life of her lover, died contented. Charles X., who was then only 45 years of age, remained ever after faithful to his sacred engagement. From this time M. de Latil (afterwards a cardinal) became the confident of every thought of the prince, and his ascendancy increased with the age of his penitent. On succeeding his brother as king of France, by the title of Charles X. he made his public entry into Paris on the 27th of September, 1824. On the 25th of July 1830, in consequence of the result of a general election, Charles the Tenth issued his two ordinances, one abolishing the freedom of the press, and the other changing the mode of election. The Three Days of riot ensued, which have since been called the "glorious Revolution of 1830." The king retreated from St. Cloud Rambouillet, where he offered to abdicate in favour of his grandson the

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duc de Bordeaux, and requested from the provisional government a safe-conduct to a sea-port. He embarked at Cherbourg, and arrived off Spithead on the 17th August. On the 23d he landed at Poole, and for a time he took up his residence at Lulworth Castle, the mansion of Cardinal Weld. After two months he removed to Edinburgh, and resumed his old quarters at Holyrood-house; whence he removed to the dominions of Austria. On the 4th of November the king was in good health, and joined his family in celebrating the anniversary of San Carlo Borromeo (his patron saint). The day following he was seized with a violent inflammation of the bowels, and in a few hours he was no more. The ceremonies usually observed at the death of the king of France were strictly observed by his faithful followers. The archbishop of Paris addressed a letter to the curates of the metropolitan parishes, enjoining them to refrain from offering any cause for offence to the government by celebrating masses for Charles X., but to content themselves with praying in secret for the soul of him "whom they loved in the spirit as well as in the flesh."

5. At Lewisham, Mr. James Robins, many years a bookseller and publisher in Ivy-lane, Paternoster-row, also the author and editor of several works, among which was, "The History of England during the reign of George the Third," which he published under the assumed name of "Robert Scott."

— At Rochester, aged 75, Samuel Baker, esq., alderman of that city, and several times mayor. He was an eminent builder, and erected or contracted not only for many public works in Kent, but for the new east wing of the British Museum, containing the Royal Library. He was father-in-law of Sir Robert Smirke.

8. At his house in Gower-street, Bedford-square, aged 76, John Bannister, esq., better known as Jack Bannister. He was born in London in the year 1760, and was the son of Charles Bannister, famous as a singer and as a wit. Jack originally chose the profession of a painter. In the hope of obtaining for him a proper master, David Garrick was applied to. The great actor desired to see the boy, who without loss of time waited on him, and that interview took place which Bannister afterwards so vividly portrayed in his

monodramatic performance called "The Budget." The boy was desired to spout some passages from Shakspeare's play; which he did in such a manner as to please the Roscius, who became very fond of him, and offered to instruct him for the stage. But the boy still preferred the sister art of painting life on canvass. Garrick, therefore, recommended him as a pupil to Loutherbou, who consented to take him on payment of two hundred pounds. The elder Bannister had not this sum to part with, but found a friend who was willing to advance it for him. By the sudden and untimely death of this kind individual, the agreement was broken off almost as soon as arranged; but young Bannister was enlisted a student of the Royal Academy. He made some progress in the art of drawing, particularly in the study of heads; but soon discovering, that a tedious time must elapse ere he could hope to make a lucrative business of painting, and that immediate receipts of money were of importance to his parents, he relinquished his pursuit, and joined his father on the stage. "Master J. Bannister" performed at Drury-lane Theatre through the seasons 1772-3-4, the minor characters in tragedy, and walking gentlemen in comedies. After this he left the theatre for a while to study under his kind patron Mr. Garrick. On the 27th August, 1778, "Mr. Bannister, junior," made his first appearance at the Little Theatre in the Haymarket, on his father's benefit-night, as Dick, the stage struck 'pothecary lad, in Murphy's farce "The Apprentice." This character called forth his tragi-comic powers, and brought him off with eminent success. In the autumn of the same year he was re-engaged at Drury-lane Theatre, and played the part of Zaphna in the tragedy of "Mahomet," a translation from Voltaire. The play-bill states, "being his first appearance on this, and second on any stage." The fact is, that Jack Bannister wished his right honourable appearance as Dick at the Haymarket might be considered as his début (so called) on the stage, regarding the parts he had formerly played as nothing more than introductions to stage tactics; which every actor must become familiar with, before he can delineate characters of importance with any success. Mr. Garrick greatly admired the play of Mahomet, and took

## DEATHS.—Nov.

much pains to perfect Jack in it. Besides Zaphna, he played Dorilas in the tragedy of "Merope," during the same season. In the spring of 1779 the Bannisters, father and son, played at Covent Garden Theatre. Mr. Bannister, junior, appeared as Achmet in Dr. Brown's tragedy of "Barbarossa." Mr. Garrick originally played this part, and influenced Jack to try it. On his own benefit-night, 24th April, he acted the Prince in Henry IV., Part I., and Shift, in Foote's farce "The Minor;" and gave, for the first time on the stage, imitations of other performers, which were considered to be very clever. In the season 1779-80, Sheridan's "Critic," was produced, and Mr. Bannister was the original representative of Don Ferolo Whiskerandos. The piece was acted upwards of fifty nights during this season, and Bannister was the Don as many times. With the exception of Zaphna, he appeared in no other character till his benefit night, April 21, 1780, when he assumed Hamlet. In Act 2nd, according to the play-bills of the day, the elder Bannister gave singing imitations, and Jack Bannister a variety of imitations. The Bannisters were excellent mimics. At the Haymarket, in the summer of the same year, he played, among other parts, Gradus, (the musty student) in the farce of "Who's the Dupe," which he hit off with a nicety, Young Norval, Hippolitus, Shift, and a speaking Harlequin, in Mr. Colman, senior's, "Genius of Nonsense." In the latter he gained great fame. Certainly, it was not for want of trial that Jack Bannister did not succeed in very many "walks," of the drama. Mr. Colman had discovered in what his merits lay, and could apply them, but Bannister had still a preference for tragedy. At Drury-lane Theatre, in the seasons 1781, 2, and 3, still bent on tragedy, Oronoko, Posthumus, and Chamont, were the most notable of his personations. From this time he made but few attempts in tragedy. As a comic actor he grew more and more a favourite. In 1783, Mr. Bannister married Miss Harper, then a pleasing vocalist of Covent Garden and the Haymarket Theatres, a monied and a ladylike woman. In 1792, his wife, on account of her increasing family, retired from the stage. On the death of Edwin (in 1790), the liveliest and most farcical of all comedians, the heroes of O'Keefe's extravaganzas de-

scended to Jack Bannister. His Peeping Tom, and his Lingo, were excellent; so was his Trudge in "Inkle and Yarico," his Lenitive in "The Prize," and his Sylvester Daggerwood. Other favourites, during his brilliant career, were Dabble in "The Humourist," the Three Singles, brothers differing entirely in character, but in appearance as like as gooseberries, in Prince Hoare's farce of "Three and the Deuce," (which was written expressly to suit the actor's talismanic powers), Acres in "The Rival's," Tim Tartlet in "The First Floor," Sir David Dunder in "Ways and Means," Pedrillo in "The Castle of Andalusia," Michael Perez in "Rule a Wife and have a Wife," Mercutio in "Romeo and Juliet," Rolando in "The Honeymoon," Sadi in "The Mountaineers," Scout in "The Village Lawyer," Bobadil in "Every Man in his Humour," Tristram Fickle in "The Weathercock," Storm in "Ella Rosenberg," Dashwood in "Know your own Mind," Robin in "No Song no Supper," Dr. Pangloss in "The Heir at Law," Gregory in "The Mock Doctor," Job Thornbury in "John Bull," and Michael in "The Adopted Child,"—with pathos, humour, wit, and nonsense, all, he could make his audience weep and smile alternately. Some of his masterpieces were, Ben, in Congreve's "Love for Love," Colonel Feignwell, in Mrs. Centlivre's comedy, "A Bold Stroke for a Wife," Young Philpot, in Murphy's farce, "The Citizen," and Walter in "The Children in the Wood." In 1796 Mr. Bannister left the Haymarket Theatre, finding it more profitable during the summer months to "star" about the provinces. He returned to the Haymarket for one season, in 1804. In 1807, he took into the country his collection of songs, imitations, and dramatic recitations, revised and re-written by his friend George Colman "The Younger," under the title of "The Budget." These were delivered in a monodramatic entertainment, after the example of Mr. Dibdin and others, an example followed in our day, when the late Charles Matthews was "At Home." Bannister's "Budget" was an annual income to him. He was one of the few instances of actors who have had the good sense to keep the money which the stage had brought them, and in this as in his general character, he exalted his profession. In 1802-3, Mr. Bannister succeeded Mr. Kemble as stage-

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manager at Drury-lane Theatre; but, finding the duties of the office too irksome, he resigned it after one season. On the 1st June, 1815, Mr. Bannister took leave of the stage, acting Echo, in Kenney's comedy, "The World," in which he gave imitations of popular comedians, and Walter in the "Children in the Wood." At the conclusion of the performances he addressed the audience very admirably, and to this effect—"Seven and thirty years," he said, "have elapsed since I appeared before you, my kind benefactors. Considerations of health warn me to retire. Your patronage has given me the means to retire with comfort."

9. At Fulwell-lodge, Twickenham, the residence of his son William Clay, esq. M.P. in his 80th year, George Clay, esq., of Nottingham-place.

9. On his 87th birth-day, W. Blanchard, esq., proprietor of the York Chronicle for nearly sixty years. He was chosen a member of the York corporation in February, 1780, and served the office of sheriff in 1817.

10. At Hatfield Woodhouse, in her 100th year, Mrs. Betty Smith, retaining all her faculties nearly to the last.

11. At Old Derby, near Haverford-west, aged 103, Elizabeth Page. She retained her faculties to the last.

12. At Paris, aged 54, M. Malibran, the first husband of the recently deceased prima donna.

— At Michaelstow, Mary Couch, at the advanced age of 102 years.

19. Miss Vaughan, of Manchester-square. She left a bequest of 40,000*l.* to the marquess of Headfort and his children, and 150,000*l.* to public charities, besides large legacies.

20. At Walton, in her 85th year, the right hon. Emma countess dowager of Tankerville.

22. At Pusey-house, Farringdon, aged 39, lady Harriot Elizabeth, wife of the rev. John C. Stapleton, and sister, to the earl of Carnarvon and lady Emily Pusey.

23. Henry Richard Bellingham, esq., barrister-at-law, brother to sir Alan Edward Bellingham, bart., of Castle Bellingham, county Louth.

25. At Hitchen, the rev. Peter Robert Venables Hinde, Fellow of King's college, Cambridge. He became the Senior Fellow of King's college, by the death of Mr. Simeon, whom he survived only twelve days.

26. At Moffat, co. Dumfries, a

80, John Loudon McAdam, esq., the introducer of the system of road-making known by his name. Mr. McAdam was the son of James McAdam, esq., of Waterhead, in the stewartry of Kirkcudbright, and of Susan Cochran. During the lifetime of his elder brother, he was adopted by an uncle in America; where he remained until the close of the revolutionary war. On his return, with other royalists, to his native country, he was speedily put on the commission of the peace for Ayrshire, and when, soon after, the lieutenancies of counties were established by law in Scotland, he was appointed deputy-lieutenant of that county in the original act of parliament. It was in the course of his active services as a magistrate and trustee of roads, that Mr. McAdam's attention was first attracted to the want of scientific principles in the construction of roads. From that time to an advanced period, this subject continued to occupy all the leisure of an active life, and the results were freely given to the country. Mr. McAdam was in his 60th year when he first commenced his public career as a reformer of roads; thus effecting a great national measure during that period of life which men of common minds devote to retirement and repose. He resided for some time at Bristol, where he was highly respected.

26. At Richmond, aged 63, Thomas Cadell, esq., of the Strand, bookseller, and of Charlotte-street, Fitzroy square. He was the only son of Thomas Cadell, esq., alderman of London. In 1793 his father retired from trade, leaving the business, which he had made one of the first in England, to the late Mr. Cadell and Mr. William Davies, who jointly carried it on until the death of the latter in 1819, since which period Mr. Cadell's name has stood alone. Thus, for nearly half a century he followed his father's example, and preserved the reputation the house had acquired for liberality, honour, and integrity.

27. In South-street, Park-lane, aged 29, the hon. George Augustus Lamb, only son of lord Viscount Melbourne.

27. At Manchester, aged 71, Mr. Hughes, a celebrated player on the oboe.

— Near Letterkenney, Donegal, Eleanor, relict of Mr. Charles Gallagher, at the extraordinary age of 109 years. Only fifty years ago she gave birth at three children, two of whom are

## DEATHS.—DEC.

27. At Paris. Antoine Carle Horace Vernet, an eminent French painter, belonging to a family that has greatly distinguished itself in the arts, for his father was the celebrated landscape painter, Joseph Vernet, and his own son Horace has added fresh lustre to the name of Vernet. Carle was born at Bordeaux, August 14th, 1758. Even from the first dawn of his intellect he discovered a natural talent for drawing, which, as may be supposed, was carefully cultivated by his parent. Having obtained the first prize at the academy, in 1782, he proceeded, not without great reluctance, to Rome, where instead of pursuing his studies with zeal, he fell into despondency, and seriously thought of entering a convent. On hearing this his father recalled him home, and by the remonstrances of the family confessor, he was induced to take up his pencil again; accordingly, he forthwith set about his "Triumph of Paulus Emilius," a work that at once stamped his reputation, and obtained for him the patronage of the duke of Orleans. As a companion to it, he afterwards produced his "Funeral of Patroclus," 1792; but it was not executed with equal spirit. In fact it was undertaken and executed in a season both of domestic and public trouble and anxiety. Besides losing his father in 1789, he had seen many of his friends and relations sent to the guillotine, as was afterwards his sister Emilie, wife of the architect Chalgrin, who had been accused of holding correspondence with the emigrant princes. Under the consulship he was commissioned by Lucien Buonaparte, the minister of the interior to paint the battle of Marengo, which was not however finally completed till 1814, when it was exhibited during the 'hundred days.' Among his other works may be mentioned the "Surrender of Madrid," "the Morning before the Battle of Austerlitz," and the "Procession of Louis XVIII to Notre Dame." This last was painted by him at Rome, whither he followed his son in 1828, the latter having been appointed director of the French Academy there, but it was never completed, and he left it behind him in that city, on his return in 1834. He continued to employ himself with his pencil almost to the very last, and although in his 78th year, retained nearly his wonted steadiness and force of hand.

*Lately.*—At Oving, near Chichester, George Dillaway, in his 100th year. He formerly was a noted smuggler, when he was in the habit of drinking a bottle of Hollands daily for a week together.

— At Dublin, the right hon. the countess of Belvidere, second wife and widow of George, second and last Earl.

## DECEMBER.

1. At South Shields, aged 71, Mr. J. Winter, supposed to be the last survivor of those who sailed with governor Phillips to Botany Bay, in 1787. He was second officer in the boat, the crew of which discovered Port Jackson; and was the first European who landed at Sydney Cove.

2. At his seat Dolvorwyn, Montgomeryshire, aged 66, the rev. John Pryce, — At Woodhall, near Hesketh-new-Market, Rachel Wilkinson, aged 104.

4. At Thame, in her 98th year, Mrs. Ann Cooper, and that day month preceding, in her 100th year, Mrs. Mary Cooper, her sister. These ancient ladies could read and sew without the aid of spectacles, and possessed all their faculties to the last. A few months since, Mrs. Field, a sister, died in London, aged 92. About twelve months ago their brother, Mr. Z. Cooper, died at Thane, aged 86.

7. At Lower Brook-street, aged 61, T. Parkinson, esq.

8. In London, aged 94, Matthias Attwood, esq., of Haws, near Hales Owen, for many years a deputy-lieut., and magistrate for the counties of Salop and Worcester; father of Matthias Attwood, esq., M.P. for Whitehaven, and Thomas Attwood, esq., M.P. for Birmingham.

27. At the seat of his father, Linton, Kent, aged 22 years, the lord viscount Brome, only son of the right hon. the earl Cornwallis. This young nobleman, who was possessed of uncommon talents, was entered of New college, Oxford, in 1832; where his ardour in the pursuit of knowledge was ill seconded by a delicate constitution, and the course of his examination was interrupted by the breaking out of the disease which terminated fatally at the close of the same year.

*Lately.* At Marseilles, M. Ampere, professor of Natural Philosophy, College de France, a member of the Institute, &c.

## FINANCE ACCOUNTS

## CLASS I. PUBLIC INCOME.

## II. PUBLIC EXPENDITURE.

## III. DISPOSITION OF GRANTS.

## PUBLIC INCOME OF THE UNITED KINGDOM,

HEADS OF REVENUE. }	GROSS RECEIPT.			Repayments, Allowances, Discounts Drawbacks, and Bounties in the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
ORDINARY REVENUES.									
Customs .....	23,148,899	0	11½	1,002,881	10	10½	22,146,017	10	0½
Excise .....	14,229,351	15	8½	834,732	18	6½	14,394,598	17	2
Stamps (including Hackney Coach, and Hawkers and Pedlars Licences) .....	7,518,682	2	6½	293,774	18	4½	7,224,907	4	2
Taxes, under the Management of the Commissioners of Stamps and Taxes .....	3,885,498	15	11½	4,097	1	4½	3,881,396	14	7
Post Office .....	2,353,341	0	4	110,047	3	8½	2,243,293	16	7½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	10,851	7	11	..	..	..	10,851	7	11
Crown Lands .....	382,972	16	10½	..	..	..	382,972	16	10½
Small Branches of the King's Hereditary Revenue .....	28,320	2	3	..	..	..	28,320	2	3
Surplus Fees of Regulated Public Offices .....	21,368	3	1	..	..	..	28,368	3	1
Poundage Fees, Pells' Fees, Casualties, Treasury Fees, in Ireland.....	3,711	18	11	..	..	..	3,711	18	11
TOTALS of Ordinary Revenues .....	52,589,992	4	6½	2,245,558	12	10½	50,344,438	11	7½
EXTRAORDINARY RESOURCES.									
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in India, per Act 4 Geo. 4, c. 71.....	60,000	0	0	..	..	..	60,000	0	0
From the Trustees of the King of the Belgians, the Amount repaid into the Exchequer for the use of the Consolidated Fund, out of the Annuity granted to Prince Leopold.....	46,500	0	0	..	..	..	46,500	0	0
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	43,793	9	9	..	..	..	43,793	9	9
TOTALS of the Public Income of the United Kingdom .....	52,740,285	14	3½	2,245,558	12	10½	50,404,723	1	4½

## FOR THE YEAR 1836.

CLASS IV. UNFUNDED DEBT.

V. PUBLIC FUNDED DEBT.

VI. TRADE AND NAVIGATION.

FOR THE YEAR ENDED 5TH JANUARY, 1836.

TOTAL INCOME, including BALANCES.	TOTAL Payments out of the Income, in its Progress & to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS Outstanding on 5th January, 1836.	TOTAL Discharge of the Income.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
22,691,785 6 3½	1,628,727 8 10½	20,366,647 5 8	696,410 11 9½	22,691,785 6 3½
14,926,867 1 11½	1,164,870 5 7½	13,248,625 13 1½	513,411 3 4½	14,926,867 1 11½
7,466,683 10 4½	203,815 18 3½	7,000,223 8 10	262,644 3 3½	7,466,683 10 4½
3,959,103 7 2½	231,090 6 4½	3,676,523 10 4	51,489 10 6	3,959,103 7 2½
2,421,098 13 2½	696,573 5 3½	1,540,300 0 0	184,225 7 11	2,421,098 13 2½
10,942 6 1	228 13 3	649 8 8	10,064 4 2	10,942 6 1
517,020 13 6½	439,650 2 6	.. ..	77,370 11 0½	517,020 13 6½
28,320 2 3	.. ..	28,320 2 3	.. ..	28,320 2 3
28,368 3 1	.. ..	28,368 3 1	.. ..	28,368 3 1
3,711 18 11	.. ..	3,711 18 11	.. ..	3,711 18 11
52,053,901 2 11½	4,364,916 0 2	45,893,369 10 10½	1,795,615 12 0½	52,053,901 2 11½
60,000 0 0	.. ..	60,000 0 0	.. ..	60,000 0 0
46,500 0 0	.. ..	46,500 0 0	.. ..	46,500 0 0
43,793 9 9	.. ..	43,793 9 9	.. ..	43,793 9 9
52,204,194 12 8½	4,364,916 0 2	46,043,663 0 7½	1,795,615 12 0½	52,204,194 12 8½

## PUBLIC EXPENDITURE

Of the United Kingdom, exclusive of the Sums applied to the Reduction of the National Debt in the Year ended 5th January, 1836.

EXPENDITURE.	—		—	
	£.	s. d.	£.	s. d.
<i>Payments out of the Income in its Progress to the Exchequer.</i>				
Charges of Collection .....	3,560,338	18 11½		
Other Payments .....	801,571	1 2½		
Total Payments out of the Income, in its progress to the Exchequer .....			4,361,916	0 2
<i>Funded Debt.</i>				
Interest and Management of the Permanent Debt.....	23,731,807	18 7		
Terminable Annuities .....	4,042,591	10 3		
Total Charge of the Funded Debt, exclusive of £.6,004 8s. 2d. the Interest on Donations and Bequests .....	27,774,399	8 10		
<i>Unfunded Debt.</i>				
Interest on Exchequer Bills .....	740,211	1 10		
Civil List .....	510,000	0 0	28,514,610	10 8
Annuities and Pensions for Civil, Naval, Military, and Judicial Services, &c. charged by the various Acts of Parliament on the Consolidated Fund .....	574,490	15 10		
Salaries and Allowances .....	167,330	8 0		
Diplomatic Salaries and Pensions .....	176,815	2 0		
Courts of Justice .....	430,495	4 8		
Miscellaneous Charges on the Consolidated Fund .....	274,485	13 9		
			2,082,817	4 9
			34,962,343	15 7
Army .....	6,406,142	15 8		
Navy .....	4,089,829	11 5		
Ordnance .....	1,191,915	0 0		
Miscellaneous, chargeable upon annual Grants of Parliament....	2,144,345	8 5		
			13,801,831	15 6
Money paid to the Bank of England to supply Deficiencies in the Balance reserved for Unclaimed Dividends, per Act 56 Geo. III. c. 97. ....			23,463	4 9
			48,787,638	15 10
Surplus of Income paid into the Exchequer over Expenditure issued thereout.			1,620,940	4 11½
			50,408,579	0 9½

# DISPOSITION OF GRANTS.

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND for the Year 1835, have been disposed of; distinguished under their several Heads; to 5th January 1836.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY ... ..	4,445,723	0	0	2,820,000	0	0
ORDNANCE ... ..	1,296,059	0	0	402,000	0	0
FORCES ... ..	6,188,291	6	5	3,373,041	15	11
To defray the Charge of the Civil Establish- ment of the Bahama Islands; to the 31st day of March 1836 ... ..	1,940	0	0	1,940	0	0
To defray the Charge of the Civil Establish- ment of the Bermuda Islands; to the same time ... ..	4,599	13	4	4,599	13	4
To defray the Charge of the Civil Establish- ment of Prince Edward's Island; to the same time ... ..	3,120	0	0	3,120	0	0
To defray the Charge on the Civil Establish- ment on the Western Coast of Africa; to the same time ... ..	12,030	15	10	—		
To defray the Expenses of the Ecclesiastical Establishments of the British North Ame- rican Provinces; for the year 1835 ...	14,290	18	6	2,600	0	0
To defray the Expense of the Settlement in Western Australia, to the 31st day of March 1836 ... ..	7,417	1	8	—		
To defray the Expenses of the Establishment of the Indian Department in Upper and Lower Canada, in the year 1835 ... ..	20,000	0	0	—		
To defray the Expense of the Civil Govern- ment of Heligoland, to the 31st day of March 1836 ... ..	963	0	10	250	0	0
In aid of the Expense of the Civil Govern- ment of Newfoundland; to the same time	2,600	0	0	2,300	0	0
In aid of the Expense of the Civil Govern- ment of Nova Scotia; to the same time	6,885	11	6	5,001	1	2
To defray the Charge of Civil and Military Establishments and Expenditure at the						

SERVICES— <i>continued.</i>	SUMS Voted or Granted.	SUMS Paid.
	£. s. d.	£. s. d.
Island of Saint Helena, from the 23d day of April 1835 to the 31st day of March 1836 ... ..	70,000 0 0	23,500 0 0
To pay the Allowances and Expenses of the Barristers employed in revising Lists of Voters, under the Act for amending the Representation of the People in England and Wales ... ..	22,700 0 0	22,700 0 0
To defray the Charge of Civil Contingencies, to the 31st day of March 1836 ... ..	130,000 0 0	118,221 13 9
To defray the Estimated Expenditure of the British Museum; for the year ending at Christmas 1835 ... ..	17,7 6 0 0	13,347 0 0
To defray, to the 31st day of March 1836, the Expense of Works and Repairs of Public Buildings, and for Furniture and other Charges for Lighting and Watching, and for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens; heretofore charged on the Civil List ... ..	41,200 0 0	—
To defray the Expense of Works and Repairs at the Harbour of Kingstown; to the 31st day of March 1836 ... ..	19,750 0 0	10,000 0 0
To defray the Expense of Works and Repairs at Port Patrick Harbour; to the same time ... ..	11,875 0 0	11,875 0 0
To defray the Expenses of the Holyhead and Liverpool Roads, and Holyhead and Howth Harbours; to the same time ... ..	5,478 0 0	5,478 0 0
To defray the Charge of the New Buildings at the British Museum; to the same time .	16,000 0 0	10,500 0 0
To defray, to the 31st day of March 1836, the Expense of erecting a National Gallery ...	12,000 0 0	11,800 0 0
To defray the Charge of finishing the Interior of Whitehall Chapel ... ..	7,665 0 0	—
To defray, to the 31st day of March 1836, the necessary Expense of providing temporary accommodation for the Houses of Lords and Commons, in consequence of the late Fire ... ..	44,000 0 0	40,000 0 0
To defray the Expense of additional Works at the New Post Office Station at Hobb's Point; to the 31st day of March 1836 ..	6,129 0 0	—
To defray the Charge of those Salaries of the Officers of the House of Lords and of the House of Commons, and of Pensions for retired Officers of the two Houses, which are paid at the Treasury; and also of the Amount which will be required in aid of the Fee Funds of the two Houses in the year 1835 ... ..	50,700 0 0	50,700 0 0
To defray the expenses of the House of Lords		

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
and of the House of Commons; to the same time ... ..	22,400	0	0	22,400	0	0
To make good the Deficiency of the Fee Fund, in the Department of His Majesty's Treasury; to the 31st day of March 1836..	36,500	0	0	28,040	9	9
To make good the deficiency of the Fee Fund, in the Office of His Majesty's Secretary of State for the Home Department; to the same time ... ..	10,122	0	0	9,000	0	0
To make good the Deficiency of the Fee Fund, in the Department of His Majesty's Secretary of State for Foreign Affairs; to the same time ... ..	13,487	0	0	10,000	0	0
To make good the deficiency of the Fee Fund, in the Department of His Majesty's Secretary of State for the Colonies; to the same time ... ..	12,432	0	0	9,000	0	0
To make good the Deficiency of the Fee Fund, in the Department of His Majesty's most Honourable Privy Council and Committee of Privy Council for Trade; to the same time ... ..	18,642	0	0	14,515	14	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Treasury; to the same time ...	6,000	0	0	5,559	1	6
To defray the Contingent Expenses and Messenger's Bills in the Department of His Majesty's Secretary of State for the Home Department; to the same time ... ..	5,414	0	0	4,250	0	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Secretary of State for Foreign Affairs; to the same time .....	31,500	0	0	20,000	0	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Secretary of State for the Colonies; to the same time ... ..	5,200	0	0	3,900	0	0
To defray the Contingent Expenses and Messengers' Bills in the Department of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade; to the same time	4,150	0	0	2,038	17	9
To pay, to the 31st day of March 1836, the Salaries and Contingent expenses in the Department of the Comptroller General of the Exchequer, and the Paymaster of Civil Services ... ..	22,092	0	0	17,712	12	4
To defray the expenses of the Messengers attending the First Lord of the Treasury and Chancellor of the Exchequer, the Four Patent Messengers of the Court of Exchequer, and various ancient allowances to Officers of that Court; to the same time	3,700	0	0	3,700	0	0

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To defray the Charge of Salaries and allowances to certain Professors in the Universities of Oxford and Cambridge; to the same time ... ..	2,006	0	0	2,006	0	0
To pay the Salaries of the Commissioners of the Insolvent Debtors' Court, and of their Clerks, the Contingent Expenses of the Court and Office, and also the Expenses attendant upon their Circuits; to the 31st day of March 1836 ... ..	12,000	0	0	5,939	19	8
To pay the Salaries of the Officers and the Contingent Expenses of the Office for the Registration of Aliens; to the 5th day of April 1836 ... ..	1,461	0	0	—		
To defray the Charge of the Penitentiary at Millbank; to the 31st day of March 1836	17,000	0	0	8,927	0	0
To defray, to the 31st day of March 1836, the Salaries and other expenses of the State Paper Office, the Office for the Custody of the Records in the Tower, and the Office for the Custody of Records in the Chapter House, Westminster ... ..	4,094	0	0	1,746	14	6
To defray, in the year 1835, the Expenses of the Commission appointed to enquire into the existing state of Municipal Corporations in Great Britain and Ireland ... ..	5,150	0	0	—		
To defray the expenses of the Commission for digesting the several Statutes relating to the Criminal and other Law ... ..	10,800	0	0	9,800	0	0
For defraying, for one year, the Expenses of the Commission for Inquiring into County Rates, and the authority for the Receipt of Fees, by Magistrates and Sheriffs ... ..	2,700	0	0	500	0	0
To defray, in the year 1835, the Charge of the Salaries and Expenses of the Commissioners for the amendment and better administration of the Laws relating to the Poor in England and Wales ... ..	42,841	0	0	27,358	17	1
To pay, to the 31st day of March 1836, the Salaries and Incidental Expenses of the Commissioners appointed on the part of His Majesty, under the Treaties with Foreign Powers, for preventing the illegal Traffic in Slaves ... ..	14,000	0	0	4,000	0	0
To pay the Salaries of His Majesty's Consuls General, Consuls and Vice Consuls, and the Superintendents of Trade at Canton, and also of the Contingent Expenses connected with the Public Duties of such Consuls General, Vice Consuls and Superintendents of Trade; to the 31st day of March 1836 ... ..	95,966	0	0	62,016	4	9
To defray the charge of the Salaries ... ..						

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Inspectors and Superintendents of Factories appointed under the Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom; to the same time ... ..	6,112	0	0	4,523	1	10
To defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments, or in the Public Service; to the same time ... ..	66,218	0	0	36,227	1	11
To enable His Majesty to grant Relief, to the 31st day of March 1836, to Toulonese and Corsican Emigrants, Dutch Naval Officers, St. Domingo Sufferers, American Loyalists and others who have heretofore received Allowances from His Majesty, and who, for Services performed or Losses sustained in the British Service, have Special Claims on His Majesty's Justice and Liberality ... ..	11,300	0	0	4,500	0	0
To defray the Expense of the National Vaccine Establishment; for the year 1835 ...	1,850	0	0	1,850	0	0
For the Support of the Institution called "The Refuge for the Destitute;" for the year 1835 ... ..	3,000	0	0	3,000	0	0
To defray the Charge of confining and maintaining Criminal Lunatics; to the 31st day of March, 1836 ... ..	2,590	0	0	—		
To defray, to the 31st day of March 1836, the usual Allowances to Protestant Dissenting Ministers in England, poor French Refugee Clergy, poor French Refugee Laity, and sundry other small Charitable and other Allowances to the Poor of St. Martin's-in-the-Fields, and others ... ..	4,800	0	0	708	15	0
To defray the Charge of His Majesty's Foreign and other Secret Service; to the 31st day of March 1836 ... ..	36,800	0	0	16,850	0	0
To defray the Expense of providing Stationery, Printing and Binding for the several Public Departments in England, Ireland, Scotland and the Colonies; to the 31st day of March 1836; and for providing Paper for the Printing which may be ordered in the Session 1836, for the Two Houses of Parliament ... ..	191,756	0	0	83,000	0	0
To defray the expense of the Mint in the Coinage of Gold; to the 31st day of March 1836 ... ..	3,000	0	0	3,000	0	0
To defray the Expenses incurred in the Prosecution of Offences against the Laws relating to Coin; to the same time ... ..	8,000	0	0	8,000	0	0
To defray, to the 31st day of March 1836, the expense of confining, maintaining and						

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
employing Convicts at Home and in Bermuda, and in providing Clothing for the Convicts who may probably be transported to New South Wales and Van Diemen's Land ... ..	64,000	0	0	19,532	7	8
To defray, to the 31st day of March 1836, the Expenses for the Support of Captured Negroes and Liberated Africans, under the Acts for the Abolition of the Slave Trade...	20,000	0	0	4,000	0	0
To defray the Expense of Law Charges to the same time .. ...	8,000	0	0	3,000	0	0
To defray the expense of Maintaining Convicts at New South Wales and Van Diemen's Land; to the 31st day of March 1836	147,306	0	0	32,821	9	8
To defray the Expenses incurred under the Direction and Management of the Commissioners of Records; to the 31st Aug. 1836	10,000	0	0	10,000	0	0
To pay the Annual Compensation awarded to Sir Abraham Bradley King, late King's Stationer in Ireland, for Losses sustained by him by the revocation of his Patent ..	2,500	0	0	2,500	0	0
To defray, in the year 1835, the Expense of Paying Fees due and payable to the Officers of the Parliament, on all Bills for continuing or amending any Acts for making or maintaining, keeping in Repair or improving Turnpike Roads, which shall pass the Two Houses of Parliament and receive the Royal Assent ... ..	4,000	0	0	2,397	2	2
To enable His Majesty to issue Money for the Erection of School-houses, in Aid of Private Subscriptions for that purpose, for the Education of the Children of the Poorer Classes in England; to the 31st day of March 1836 ... ..	20,000	0	0	—		
To enable the Geographical Society to prosecute two Expeditions of Discovery, one into the Interior of South America, from Delagoa Bay on its East Coast, the other into the Interior of America behind British Guiana ... ..	1,000	0	0	1,000	0	0
On Account of the Canal Communications in Canada, to the 31st day of March 1836 ..	34,511	0	0	—		
To defray the Charges of the Salaries of the Governors, Lieutenant-Governors and others in His Majesty's West India Colonies; to the 31st day of March, 1836. ...	16,167	0	0	5,500	0	0
To defray the Salaries of Eight Agents for Emigration at Ports in the United Kingdom; to the 31st day of March 1836 -	1,666	0	0	1,348	0	2
To defray, to the 31st day of March 1836, the Charge of Salaries and Allowances to the Special Justices appointed in pursuance of an Act of the 3d & 4th years of His						

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
present Majesty, for the Abolition of Slavery throughout the British Colonies	60,750	0	0	—	—	—
To defray, to the 31st day of March 1836, Law Expenses, Grants to Scotch Universities, and other Charges in Scotland formerly defrayed from the Hereditary Revenues, and not provided for in the Civil List, nor out of the Consolidated Fund	58,000	0	0	10,165	2	9
On Account of the Two Houses of Parliament and other Public Buildings, in the year 1835	34,100	0	0	2,300	0	0
To provide a Service of Plate for the Speaker of the House of Commons, together with an Allowance for Outfit	7,000	0	0	1,000	0	0
For the Salaries of the Commissioners for Inquiring into Charities, for half a year, from the 31st day of March to the 30th day of September 1834	4,875	0	0	4,875	0	0
To make Compensation to the Commissioners appointed to inquire into the Management and Collection of the Revenue of Excise	6,000	0	0	6,000	0	0
To provide for the Care, Maintenance and Clothing of Criminal Lunatics in the year 1835	3,200	0	0	984	11	0
To defray, in the year 1835, certain Charges hitherto paid out of the County Rates	110,000	0	0	—	—	—
To defray the Charges of certain Egyptian Antiquities of the British Museum	6,000	0	0	5121	16	0
To pay Compensation to Individuals, Subjects of His Majesty, for Losses sustained by the Confiscation of Book Debts due to them by Danish Subjects, by the Act of the Danish Government in the year 1807	113,000	0	0	60,000	0	0
To enable His Majesty to make Compensation to Individuals for Losses sustained by the Fire which destroyed the Custom-House Warehouses in the Dublin Docks, in August 1833	68,031	13	10	63,857	18	2
To pay, in the year 1835, the Allowances and Expenses of the Barristers employed in revising Lists of Voters, under the Act for Amending the Representation of the People in England and Wales	22,500	0	0	10,000	0	0
To grant Relief to the Distressed Poles now in this Country	10,000	0	0	8,050	0	0
To enable His Majesty to issue Money for the Erection of Model Schools; to the 31st day of March 1836	10,000	0	0	—	—	—
To Expenses incurred in providing Instruction for the Emancipated Negro Population in the year 1835	25,000	0	0	5,000	0	0
To defray, to the 31st day of March, 1836, the Charge of the Salaries and Allowances to the Special Justices appointed in pursuance						

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
of an Act of the 3rd and 4th years of His present Majesty's reign, for the Abolition of Slavery throughout the British Colonies ... ..	8,350	0	0	—	—	—
To defray the Expense of the Foundling Hospital in Dublin; to the 31st day of March, 1836 ... ..	9,000	0	0	7,000	0	0
To defray the Expense of the House of Industry in Dublin; to the same time ..	20,000	0	0	15,000	0	0
To defray the Expense of the Hibernian Marine Society; to the same time ... ..	200	0	0	200	0	0
To defray the Expenses of the Female Orphan House, Circular Road, Dublin; to the same time ... ..	1,000	0	0	1,000	0	0
To defray the Expense of the Westmorland Lock Hospital; to the same time ... ..	2,500	0	0	2,000	0	0
To defray the Expense of the Lying-in Hospital, to the same time... ..	1,000	0	0	600	0	0
To defray the Expense of Dr. Stevens's Hospital; to the same time ... ..	1,500	0	0	1,500	0	0
To defray the Expense of the Fever Hospital and House of Recovery, Cork-street, Dublin; to the same time ... ..	3,800	0	0	3,800	0	0
To defray the Expense of the Hospital for Incubables, to the same time ... ..	500	0	0	300	0	0
To defray the Salaries and Expenses of the Royal Dublin Society; to the same time...	5,300	0	0	3,000	0	0
To defray the Expense of the Royal Irish Academy; to the same time ... ..	300	0	0	300	0	0
To defray the Expense of the Royal Hibernian Academy; to the same time ... ..	300	0	0	300	0	0
To defray the Expense of the Royal Belfast Academical Institution; to the same time...	1,500	0	0	1,500	0	0
To enable the Lord Lieutenant of Ireland to issue Money for the Advancement of Education in Ireland; to the same time ...	35,000	0	0	21,750	0	0
To defray the Charge of the Roman Catholic College in Ireland; to the same time ...	8,928	0	0	4,404	0	0
To defray the Salaries and Expenses of the Commissioners of Charitable Donations and Bequests in Ireland; to the same time ...	700	0	0	700	0	0
To defray, in the year 1835, the Expense of Public Works in Ireland ... ..	12,300	0	0	—	—	—
To defray the Salaries and Expenses of the offices of Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and His Majesty's Privy Council Office in Ireland, and the Amount of His Majesty's Printer's Bill, for Printing for the Public Offices in Ireland; to the same time ...	22,423	0	0	14,428	10	2
To defray the Charge of the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, and certain other Officers, and Services formerly						

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SERVICES—continued.	SUMS Voted or Granted.	SUMS Paid.
	£. s. d.	£. s. d.
charged on the Civil List in Ireland; to the 31st day of March, 1835 ...	12,696 0 0	9,375 3 10
To defray the Charge of the Establishments of the Vice Treasurer and Teller of the Exchequer in Ireland; to the 31st day of March, 1836 ...	6,997 0 0	5,173 12 4
To defray the Expense of publishing Proclamations, in the Dublin Gazette, and Proclamations for Circulation, and for Printing the Statutes; to the same time ...	4,100 0 0	2,700 0 6
To defray the Expense of Non-conforming, Seceding and Protestant Dissenting Ministers in Ireland; to the same time ...	25,400 0 0	12,677 15 6
To defray the Charge of Criminal Prosecutions, and other Law Charges in Ireland; to the same time ...	45,000 0 0	14,129 4 7
In aid of the Funds for the maintenance of the Police Department of Dublin; to the same time ...	16,000 0 0	11,000 0 0
To defray the Expense of Public Works in Ireland; to the same time ...	3,358 0 0	2,259 0 0
To defray the Expense of the Townland Survey of Ireland; to the same time ...	7,000 0 0	—
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1835 or 1834, now remaining unpaid and unprovided for ...	£. s. d. 12,123,255 1 11	7,763,254 8 9
To pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works, and for the Relief of Persons who have sustained Losses in the West Indies, outstanding and unprovided for ...	28,384,700 0 0	
	621,500 0 0	
	29,006,200 0 0	
Deduct, provided for out of the Surplus Ways and Means ...	484,650 0 0	
	28,521,550 0 0	28,465,550 0 0
	12,644,805 1 11	36,228,804 8 9

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## PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	Sums Paid to 5th January 1836.	Estimated further Payments.
	£. s. d.	£. s. d.
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 and 124, and 3 Geo 4, c. 86 ... ..	2,000 0 0	2,000 0 0
Expenses in the Office of the Commissioners for building additional Churches, pursuant to Act 58 Geo. 3, c. 45 ... ..	3,000 0 0	— —
Expenses of the Commissioners for building Churches in Scotland. ... ..	1,431 3 2	
Interest on Exchequer Bills: ... ..	688,701 11 5	
Bank of England, more than the Sum received from them to make up their Balance on account of Unclaimed Dividends. ... ..	21,542 11 0	1,889 17 8
	716,675 5 7	716,675 5 7
TOTAL Payments for Services not voted		720,565 3 3
TOTAL Grants ... ..		42,644,805 1 11
TOTAL Grants and Payments for Services not voted... ..		43,365,370 5 2

## WAYS AND MEANS

for answering the foregoing Services :

	£. s. d.
Sums to be brought from the Consolidated Fund, per Act 5 Will. 4, c. 9 ... ..	8,000,000 0 0
- - - - Ditto - - - 5 & 6 Will. 4, c. 80 ... ..	3,147,000 0 0
East India Company, per Act 5 Will. 4, c. 2 ... ..	60,000 0 0
Duty on Sugar per Act 5 & 6, Will. 4, c. 12. ... ..	3,000,000 0 0
Repayments by the Commissioners for issuing Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom ... ..	241,751 9 9
Surplus of Ways and Means, per Act 5 & 6 Will. 4, c. 80 ... ..	389,980 12 7
Exchequer Bills voted in Ways and Means; viz. 5 Will. 4, c. 4 ... .. £15,000,000 0 0 5 & 6 Will. 4, c. 44 ... .. 13,521,550 0 0	28,521,550 0 0
TOTAL Ways and Means ... ..	43,360,282 2 4
TOTAL Grants and Payments for Services not voted	43,365,370 5 2
Deficiency Ways and Means ... ..	5,088 2 10

## UNFUNDED DEBT.

AN Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on 5th January, 1836.

	Provided.	Unprovided.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.
Exchequer Bills, .. .. .	- - -	29,007,950 - -	29,007,950 - -
Sums remaining unpaid, charged upon Aids granted by Parliament ...	6,777,575 3 1	- - -	6,777,575 3 1
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain ...	191,668 1 7	- - -	191,668 1 7
Total Unfunded Debt, and Demands outstanding ...	6,969,243 4	829,007,950 - -	35,977,193 4 8
Ways and Means ... ..	6,963,483 13 5 4	- - -	- - -
Surplus Ways and Means ... ..	14,240 8 9 4	- - -	- - -
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund at 5th January 1836 .....	- - -	4,640,996 7 7	4,640,996 7 7

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## PUBLIC

### OF GREAT BRITAIN and IRELAND, and the DEBT.

	1. CAPITALS.		2. CAPITALS transferred to the Commissioners.		CAPITALS UNREDEEMED.	
	£.	s. d.	£.	s. d.	£.	s. d.
<b>GREAT BRITAIN.</b>						
Debt due to the South Sea Company at £. 3 per cent	3,662,784	8 6½	-	-	3,662,784	8 6½
Old South Sea Annuities Do. ....	3,497,870	2 7	-	-	3,497,870	2 7
New South Sea Annuities Do. ....	2,460,830	2 10	-	-	2,460,830	2 10
South Sea Annuities, 1751 Do. ....	523,100	0 0	-	-	523,100	0 0
Debt due to the Bank of England Do. ....	11,015,100	0 0	-	-	11,015,100	0 0
Bank Annuities, created in 1726 Do. ....	826,636	0 0	1,144	1 0	825,491	19 0
Consolidated Annuities Do. ....	357,558,258	1 7½	789,999	17 1	356,768,258	4 6½
Reduced Annuities Do. ....	126,779,270	5 10	927,258	10 11	125,851,977	8 11
Total at £. 3 per cent..	506,323,815	1 4½	1,718,402	15 0	504,605,412	6 4½
Annuities . . . at £. 3½ per cent. 1818..	10,863,124	15 1	2,020	15 6	10,861,103	19 7
Reduced Annuities . . . do. ....	63,433,365	4 1	16,515	2 3	63,436,880	2 0
New 3½ per cent Annuities .....	146,568,650	5 6	7,749	5 19	146,557,900	19 8
New £. 5 per cent Annuities .....	486,240	13 4	-	-	486,240	13 4
Great Britain.....	727,044,195	19 4½	1,744,687	18 5	725,899,568	0 1½
<b>IN IRELAND.</b>						
Irish Consolidated £. 3 per cent Annuities.	2,570,402	6 3	-	-	2,570,402	6 3
Irish Reduced £. 3 per cent Annuities ....	225,182	8 1	-	-	225,182	8 1
£. 3½ per cent Debentures and Stock .....	14,243,856	16 10	-	-	14,243,856	16 10
Reduced £. 3½ per cent Annuities .....	1,116,916	3 9	-	-	1,116,916	3 9
New 3½ per cent Annuities .....	11,856,570	7 3	-	-	11,856,570	7 3
Debt due to the Bank of Ireland, at £. 4 per cent .....	1,615,384	12 4	-	-	1,615,384	12 4
New £. 5 per cent Annuities .....	6,661	1 0	-	-	6,661	1 0
Debt due to the Bank of Ireland, at £. 5 per cent .....	1,015,384	12 4	-	-	1,015,384	12 4
Ireland.....	32,650,358	7 10	-	-	32,650,358	7 10
Total United Kingdom.....	760,294,554	7 2½	1,744,687	18 5	758,549,926	8 9½

The Act 10 Geo. IV. c. 27, which came into operation at the 5th July, 1829, enacts, That the Sum thenceforth annually applicable to the Reduction of the National Debt of the United Kingdom, shall be the Sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the Expenditure of the said United Kingdom; And the following Sums have been accordingly received by the Commissioners to be applied to the reduction of the said Debt, including Sums on account of Donations and Bequests, viz.:-

#### ON ACCOUNT OF :

	The Sinking Fund.		Donations and Bequests.	
	£.	s. d.	£.	s. d.
Applicable between				
5th April and 5th July, 1835 .....	402,038	18 1	1,075	1 8
5th July and 10th October, 1835 .....	225,515	14 9	3,247	15 5
10th October, 1835, and 5th January, 1836 .....	301,374	1 9	144	2 5
5th January and 5th April, 1836.....	385,476	0 2	3,291	15 5
	1,314,404	14 9	7,760	14 11

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## FUNDED DEBT.

CHARGE thereupon, at the 5th January, 1836.

### CHARGE.

		IN GREAT BRITAIN.	IN IRELAND.	TOTAL ANNUAL CHARGE.
		£. s. d.	£. s. d.	£. s. d.
Due to the Public Creditor.	Annual Interest on Unredeemed Capital .....	22,890,029 6 7	1,152,192 4 6½	
	Long Annuities, expire 1860 .....	1,294,307 13 7	78 19 3	
	do. 1867 .....	583,740 0 0	—	
	Annuities per 4 Geo. 3, c. 22, and 3 Will. 4 c. 14. do. expire at various periods .....	1,347,788 2 4	—	
	Annuities to the Trustees of the Waterloo Subscription Fund, per 59 Geo. 3, c. 34, expire 5th July, 1836, .....	9,000 0 0	—	
	Life Annuities per 48 Geo. 3, c. 132 and 10 Geo. 4, c. 24, and 3 Will. 4, c. 14. ....	608,639 6 0	—	
	Tontines and other Life Annuities per various Acts. } English .....	20,358 4 8½	—	
	Irish .....	34,230 8 7	6,823 7 3	
		27,075,087 6 1½	1,159,089 11 0½	
	Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax, under Schedules C. D. 1 and D 2, per 59 Geo. 3, c. 123. ....	19,430 13 3½	—	
Management .....		156,697 16 10½	—	
Total Annual Charge .....		27,244,215 19 1½	1,159,089 11 0½	28,403,305 10 1½

## ABSTRACT.

(\* \* Shillings and Pence omitted.)

	CAPITALS	CAPITALS transferred to the Commissioners	CAPITALS unredeemed.	ANNUAL CHARGE.		
				Due to the Public Creditor	Management.	TOTAL.
	£.	£.	£.	£.	£.	£.
Great Britain ..	727,644,195	1,744,687	725,890,508	27,075,087	156,697	27,244,215
Ireland .....	32,650,358	—	32,650,358	1,171,520	—	1,159,089
	760,294,554	*1,744,687	758,549,866	28,246,607	156,697	28,403,305

		£. s. d.	DEFERRED ANNUITIES OUTSTANDING.		£. s. d.
* On account of Donations and Bequests .....		225,886 1 5	Deferred Life Annuities, per 10 Geo. 4, c. 24 and 3 Will. 4, c. 14. ....		3,989 10 6
Do. of Stock unclaimed 10 years or upwards ....		280,246 6 3	Deferred Annuities for terms of years, per do. ....		60 0 0
Do. of Unclaimed Dividends .....		824,200 0 0	Payable to the Trustees of the Waterloo Fund, per 59 Geo. 3, c. 34. ....		2,900 0 0
		1,330,332 7 8			
Do. of Land Tax, Schedules C. D. 1; and D 2, .....		414,355 10 9			
Total Stock transferred to and standing in the Names of the Commissioners on the 5th January 1836 .....		1,744,687 18 5			6,649 10 6

## TRADE OF THE UNITED KINGDOM.

AN Account of the VALUE of IMPORTS into, and of EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND :—Also, the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.

YEARS ending 5th January.	VALUE OF IMPORTS, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS, calculated at the Official Rates of Valuation.						VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.		
	£.	s.	d.	Produce and Manufactures of the United Kingdom.		Foreign and Colonial Merchandise.		TOTAL EXPORTS.				
1834.....	45,952,551	6	5	£.	s.	d.	£.	s.	d.	£.	s.	d.
				69,989,339	13	8	9,833,753	10	2	79,823,093	3	10
1835.....	49,362,811	8	0	73,831,550	15	4	11,562,036	11	3	85,393,587	6	7
1836.....	48,911,542	16	6	78,376,731	16	11	12,797,724	5	2	91,174,556	2	1
										39,667,347	8	5
										41,649,191	9	6
										47,372,270	11	11

## NAVIGATION OF THE UNITED KINGDOM.

**NEW VESSELS BUILT.**—Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January 1834, 1835, and 1836, respectively.

	Year ending 5th Jan. 1834.		Year ending 5th Jan. 1835.		Year ending 5th Jan. 1836.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom.....	711	89,212	780	100,367	860	116,635
Isles Guernsey, Jersey, and Man .....	17	2,959	26	2,343	56	5,087
British Plantations .....	431	52,476	425	55,817	534	52,711
<b>TOTAL .....</b>	<b>1,159</b>	<b>144,647</b>	<b>1,231</b>	<b>158,527</b>	<b>1,250</b>	<b>174,433</b>

*Note.*—The Account rendered for the Plantations for the year ending 5th January 1835, is now corrected; and as several Returns from the Plantations are not received for the last year, a similar correction will be necessary when the next Account is made up.

**VESSELS REGISTERED.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and Boys usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st of December, in the Years 1833, 1834, and 1835, respectively.

	On 31st Dec. 1833.			On 31st Dec. 1834.			On 31st Dec. 1835.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom .....	19,158	2,233,855	136,250	19,447	2,274,702	138,265	19,737	2,320,667	139,151
Isles Guernsey, Jersey, & Man .....	531	37,446	3,839	528	37,653	3,761	563	39,636	3,938
British Plantations .....	4,696	565,976	23,911	5,080	403,745	26,035	5,911	423,458	27,911
<b>TOTAL .....</b>	<b>24,385</b>	<b>2,634,577</b>	<b>164,000</b>	<b>25,055</b>	<b>2,716,100</b>	<b>168,061</b>	<b>25,511</b>	<b>2,783,761</b>	<b>171,020</b>

NAVIGATION OF THE UNITED KINGDOM—*continued.*

**VESSELS EMPLOYED IN THE FOREIGN TRADE.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to Foreign Parts, during each of the Three Years ending 5th January, 1836.

YEARS ending 5th January.	SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM, From Foreign Parts.									
	BRITISH AND IRISH VESSELS.					FOREIGN VESSELS.				
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	TOTAL.
1834 ....	13,119	2,183,814	120,485	5,505	762,085	41,886	18,624	2,945,899	162,491	
1835 ....	13,903	2,298,263	126,727	5,894	833,905	45,897	19,797	3,132,168	172,624	
1836 ....	14,295	2,442,734	133,688	6,005	866,990	47,132	20,300	3,309,724	180,820	
	SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, To Foreign Parts.									
	BRITISH AND IRISH VESSELS.					FOREIGN VESSELS.				
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	TOTAL.
1834 ....	13,266	2,244,274	125,474	5,250	758,601	40,014	18,316	3,002,875	165,488	
1835 ....	13,639	2,296,325	129,504	5,323	822,827	45,839	19,462	3,149,152	175,333	
1836 ....	13,948	2,419,941	136,537	6,047	906,270	47,927	19,985	3,325,211	184,464	

## LIST OF THE GENERAL ACTS

*Passed in the SECOND Session of the TWELFTH Parliament of the United Kingdom of Great Britain and Ireland—VI & VII Gul. IV.*

### VI & VII WILL. IV.

- I. AN Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-six—seven.
- II. AN Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six—seven.
- III. AN Act for vesting the Office of Constable of the Castle of *Saint Briavel's* in the First Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and for vesting the Office of Keeper of the Forest of *Dean* in the County of *Gloucester* in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.
- IV. AN Act to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.
- V. AN Act for carrying into further Execution Two Acts of His present Majesty, relating to the Compensation for Slaves upon the Abolition of Slavery, and for facilitating the Distribution and Payment of such Compensation.
- VI. AN Act for carrying into effect a Treaty made between His Majesty and the Queen Regent of *Spain* for the Abolition of the Slave Trade.
- VII. AN Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-seven; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary Term*, One thousand eight hundred and thirty-seven; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.
- VIII. AN Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
- IX. AN Act for the Regulation of His Majesty's Royal Marine Forces while on Shore.
- X. AN Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Stafford* from sending Burgesses to serve in Parliament.
- XI. AN Act for the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the Reign of His late Majesty for that Purpose.
- XII. AN Act for amending an Act of the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the better Regulation of Divisions in the several Counties of England and Wales*.
- XIII. AN Act to consolidate the Laws relating to the Constabulary Force in *Ireland*.
- XIV. AN Act to amend the Laws relating to Bankrupts in *Ireland*.
- XV. AN Act to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to *Shetland* or *Orkney* to pay certain Sums of Money, payable under that Act to the Seamen's fund, at *Lerwick* in *Shetland* or *Kirkwall* in *Orkney*.
- XVI. AN Act to revive and continue in force, until the first day of *August*, One thousand eight hundred and forty, an Act of the Legislature of *Jamaica* to explain and amend an Act for the Abolition of Slavery in that Island, and in aid of the same.
- XVII. AN Act to make Provision for

- the better Administration of Justice in certain of His Majesty's *West India Colonies*.
- XXVIII. An Act to apply the Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-six.
- XIX. An Act for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham*.
- XX. An Act for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.
- XXI. An Act to provide that Persons in *Scotland* accused of Letter Stealing shall not be entitled to Liberation on Bail unless in certain Cases.
- XXII. An Act to enable Bastards in *Scotland* to make Testaments.
- XXIII. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*.
- XXIV. An Act to render valid certain Marriages solemnized in a Chapel of Ease, in the Parish of *Wandswoth* in the County of *Surrey*, called *Saint Ann's Chapel*.
- XXV. An Act for granting an additional Rate of Postage on Letters between *Great Britain* and *Ireland* by way of *Milford* and *Waterford*.
- XXVI. An Act for granting to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six.
- XXVII. An Act for investing in Government Securities further Portions of the Cash lying unemployed in the Bank of *England* belonging to Bankrupt Estates.
- XXVIII. An Act to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster-General, and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes.
- XXIX. An Act for improving the Police in the District of *Dublin* Metropolis.
- XXX. An Act to repeal so much of Two Acts of the Ninth and Tenth Years of King *George* the Fourth as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.
- XXXI. An Act to amend an Act of His late Majesty King *George* the Second, for the Encouragement of building of Chapels of Ease in *Ireland*.
- XXXII. An Act for the Regulation of Benefit Building Societies.
- XXXIII. An Act to amend and regulate the Law of *Scotland* as to Erasures in Instruments of Sasine and of Resignation ad remanentiam.
- XXXIV. An Act to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in *Ireland*.
- XXXV. An Act for further improving the Road between *London* and *Holyhead*, by *Coventry*, *Birmingham*, and *Shrewsbury*.
- XXXVI. An Act to amend an Act passed in the present Session of Parliament, for consolidating the Laws relating to the Constabulary Force in *Ireland*.
- XXXVII. An Act to repeal the several Acts now in force relating to Bread to be sold out of the City of *London* and the Liberties thereof and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the Limits aforesaid.
- XXXVIII. An Act to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider by Retail*, in *Ireland*.
- XXXIX. An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.
- XL. An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in *Ireland*.
- XLI. An Act to abolish the Commissary Court of *Edinburgh*, and to regulate the Mode of taking Proofs in Consistorial Causes in *Scotland*.

- XLII. An Act to grant certain Powers to Heirs of Entail in *Scotland*, and to authorise the Sale of Entailed Lands for the Payment of certain Debts affecting the same.
- XLIII. An Act to provide for the taking of Judicial Ratifications of *Scottish Deeds* on Oath as heretofore.
- XLIV. An Act to continue the Laws for the Relief of Insolvent Debtors in *England* until the First Day of *June*, One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament.
- XLV. An Act to transfer the Collection and Management of the Duties in *Great Britain* on Horses let for Hire, and on Licences relating to the same, from the Commissioners of Stamps and Taxes to the Commissioners of Excise.
- XLVI. An Act to continue until the Thirty-first Day of *December*, One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His late Majesty, for the Administration of Justice in *New South Wales* and *Van Diemen's Land*.
- XLVII. An Act to continue until the First Day of *March*, One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*.
- XLVIII. An Act to indemnify the Governors and others of the Islands of *Antigua*, *Saint Christopher*, *Nevis*, and *Montserrat* for having permitted the Importation of certain Articles Duty-free.
- XLIX. An Act to enable the Master of the Rolls to demise Part of the Rolls Estate to the Society of Judges and Serjeants.
- L. An Act to authorise the placing of the Horse Patrol now acting under the authority of the Chief Magistrate of the Public Office in *Bow Street* under the Authority of the Justices appointed for the Metropolitan Police District.
- LI. An Act for converting the *Richmond* General Penitentiary into one of the Prisons for the County of the City of *Dublin*, and to amend the Law relating to Prisons in *Ireland*.
- LII. An Act to repeal the Duties and Drawbacks of Excise on Paper printed, painted, or stained in the United Kingdom; and to reduce the Duties, Allowances, and Drawbacks on Paper, Button-board, Mill-board, Paste-board, and Scale-board made in the United Kingdom, of the First Class; and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar,
- LIII. An Act for enabling His Majesty to grant Admiralty Jurisdiction to the Court of Judicature of *Prince of Wales's Island*, *Singapore*, and *Malacca*.
- LIV. An Act to consolidate and amend the Laws relating to the Conveyance of Newspapers by the Post.
- LV. An Act to amend the Laws relating to Loan Societies in *Ireland*.
- LVI. An Act for regulating the Process of Cessio honorum in the Court of Session, and for extending the Jurisdiction of Sheriffs in *Scotland* to such Cases.
- LVII. An Act for the Prevention and Punishment of Offences committed by His Majesty's Subjects within certain Territories adjacent to the Colony of the *Cape of Good Hope*.
- LVIII. An Act for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured.
- LIX. An Act to extend the Protection of Copyrights in Prints and Engravings to *Ireland*.
- LX. An Act to amend the Laws relating to the Customs.
- LXI. An Act to Assimilate the Law of *Ireland* to that of *England* in respect to the Liability of Owners of Vessels for Losses by Fire.
- LXII. An Act for continuing, until the First Day of *June*, One thousand eight hundred and thirty-eight, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire with the present or the next Session of Parliament.
- LXIII. An Act to facilitate, until the Nineteenth Day of *March*, One thousand eight hundred and thirty-seven, the Recovery of certain Arrears of Highway Rates and Composition in lieu of Statute Duty.
- LXIV. An Act to explain and amend

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- an Act passed in this present Session of Parliament for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.
- LXXV. An Act for granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain Cases, and to regulate the charging of the Duty payable for taking or killing Game, in *Great Britain*; and to provide for the Collection of certain Local Taxes in *Scotland*.
- LXXVI. An Act to prevent the advertising of Foreign and other illegal Lotteries.
- LXXVII. An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.
- LXXVIII. An Act to continue until the Thirty-first Day of *December*, One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty, for providing for the Government of His Majesty's Settlements in *Western Australia*, on the Western Coast of *New Australia*.
- LXIX. An Act to fix the Standard Qualities of Gold and Silver Plate in *Scotland*, and to provide for the assaying and marking thereof.
- LXX. An Act to facilitate the Conveyance of Sites for School Rooms.
- LXXI. An Act for the Commutation of Tithes in *England* and *Wales*.
- LXXII. An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits removed from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, and to grant countervailing Drawbacks on the removal of the same; to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom; and to alter the Laws relating to Distillers and Retailers of Spirits.
- LXXIII. An Act to continue until the First Day of *July* next, and from thence to the End of the then next Session of Parliament, an Act passed in the Fifth and Sixth Years of His present Majesty, relating to the Dispatch of Business done by the Court of Exchequer in *Scotland*.
- LXXIV. An Act to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.
- LXXV. An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in *Ireland*.
- LXXVI. An Act to reduce the Duties on Newspapers, and to amend the Laws relating to the Duties on Newspapers and Advertisements.
- LXXVII. An Act for carrying into Effect the Reports of the Commissioners appointed to consider the State of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenues so far as they relate, to Episcopal Dioceses, Revenues, and Patronage.
- LXXVIII. An Act to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the *Ottoman Dominions*.
- LXXIX. An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of *England* in the Corporation of Trinity House of *Deptford Strond*; and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.
- LXXX. An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions.
- LXXXI. An Act to authorise His Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade.
- LXXXII. An Act to carry into further Execution an Act for compensating Owners of Slaves upon the Abolition of Slavery, and for completing the full Payment of such Compensation.
- LXXXIII. An Act for the Regulation of the Offices of Vice Treasurer and Teller of the Exchequer in *Ireland*.
- LXXXIV. An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in *Ireland*; and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the

- same may adjoin or wherein the same are locally situate.
- LXXXV. An Act for Marriages in *England*.
- LXXXVI. An Act for registering Births, Deaths, and Marriages in *England*.
- LXXXVII. An Act for extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham*, and *Cambridge*.
- LXXXVIII. An Act to suspend to the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.
- LXXXIX. An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners Inquests.
- XC. An Act to continue until the First Day of *May* One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*.
- XCI. An Act to enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to make and maintain a Road from the Church in the Parish of *Sunk Island* to the Town of *Ottringham* in the East Riding of the County of *York*.
- XCII. An Act to render valid certain Marriages solemnized in the Church of *St. Clement*, *Oxford*.
- XCIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases of Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-seven.
- XCIV. An Act to amend an Act for enabling His Majesty to carry into effect a Convention made between His Majesty the King of the *French*, the Emperor of all the *Russias*, and the King of *Bavaria*.
- XCV. An Act to suspend, until the Sixth Day of *April* One thousand eight hundred and thirty-seven, Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*.
- XCVI. An Act to regulate Parochial Assessments.
- XCVII. An Act for continuing and making perpetual the Duty on certain Offices and Pensions.
- XCVIII. An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-six, and to appropriate the Supplies granted in this Session of Parliament.
- XCIX. An Act to amend Two Acts passed respectively in the Third and Fourth and in the Fourth and Fifth Years of his present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of *Ireland*.
- C. An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland*.
- CI. An Act to legalize certain Lists of Voters and Claims and Objections for the present Year.
- CII. An Act for rendering more easy the taking the Poll at County Elections.
- CIII. An Act to make temporary Provision for the Boundaries of certain Boroughs.
- CIV. An Act for the better Administration of the Borough fund in certain Boroughs.
- CV. An Act for the better Administration of Justice in certain Boroughs.
- CVI. An Act to make provision for the better and more expeditious Administration of Justice in the Stannaries of *Cornwall*, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.
- CVII. An Act to extend the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His present Majesty, for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*.
- CVIII. An Act to amend an Act passed in the First and Second Years of His present Majesty, for the Extension and Promotion of Public Works in *Ireland*.

CIX. An Act to repeal certain Provisions respecting the Coal Trade.

CX. An Act to repeal so much of an Act of the Fifty-fourth Year of King George the Third respecting Copy-rights as requires the Delivery of a Copy of every published Book to the Libraries of *Sion College*, the Four Universities of *Scotland*, and of the King's Inns in *Dublin*.

CXI. An Act to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to the Character is given.

CXII. An Act for further facilitating the hearing and determining of Suits in Equity in His Majesty's Court of Exchequer at *Westminster*.

CXIII. An Act for raising the Sum of Fourteen millions seven thousand nine hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six.

CXIV. An Act for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney.

CXV. An Act for facilitating the Inclosure of Open and Arable Fields in *England* and *Wales*.

CXVI. An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*.

CXVII. An Act to amend several Acts relating to the Harbour of *Kings-town*.

## LOCAL AND PERSONAL ACTS,

*Declared Public, and to be judicially noticed.*

- i. **A**N Act for better lighting with Gas the Borough of *Reading* and Hamlet of *Whitley* in the County of *Berks*, by a Company to be called The *Reading Union Gas Company*.
- ii. An Act to amend an Act passed in the Fifth Year of the Reign of his present Majesty, for repairing the Road from *Farnborough* to *Riverhill*, in the Parish of *Sevenoaks* in the County of *Kent*; and for making a new Line of Road to communicate therewith.
- iii. An Act for removing the Markets

held in the Town or Village of *Bridge-end* in the County of *Glamorgan*, and for providing other Market Places in lieu thereof, and for regulating and maintaining the same.

iv. An Act to establish a company for more effectually lighting with Gas the City and County of the City of *Exeter*, and certain Parishes and Places in the County of *Devon*.

v. An Act for better supplying the Borough of *Reading* in the County of *Berks*, and the neighbourhood thereof, with Gas.

vi. An Act for extending the Time for building a Bridge over the River *Avon* from *Clifton* in the County of *Gloucester* to the opposite Side of the River in the County of *Somerset*.

vii. An Act to incorporate the Subscribers to the *Middlesex Hospital*, and for better enabling them to carry on their charitable Designs.

viii. An Act for repairing and maintaining the Road from *Rochdale* in the County Palatine of *Lancaster* to *Hali-fax* and *Ealand* in the West Riding of the County of *York*.

ix. An Act for repairing the Road from the Town of *Buckingham* in the County of *Buckingham* to the *West Chester* or *Holyhead* Road in the Parish of *Passenham* in the County of *Northampton*, and from the North-east End of the Town of *Stony Stratford* to *Newport Pagnell* in the said County of *Buckingham*.

x. An Act for making and maintaining a Turnpike Road and Branches leading from *Radcliff* toward *Bolton* and *Bury*, all in the County of *Lancaster*.

xi. An Act for erecting a County Hall and Courts of Justice, and for providing Accommodation for His Majesty's Justices of Assize, for the Eastern Part of the County of *Suffolk*.

xii. An Act for building new Courts of Assize at *Bodmin* for the County of *Cornwall*, and for providing Judges' Lodgings, and other Purposes connected therewith.

xiii. An Act for the more easy and speedy Recovery of Small Debts within the *Presbtery* Division of the Hundred of *Macclesfield* in the County of *Chester*.

xiv. An Act for making a Railway from *Birmingham* to *Gloucester*, with a Branch therefrom.

xv. An Act to enable the *Bristol* and

- Clifton Oil Gas Company* to produce Gas from Coal and other Materials; and to amend the Act relating to the said Company.
- xvi. An Act to enlarge the powers of several Acts for effecting Improvements in the Streets and other Places within the Town of *Manchester*.
- xvii. An Act for making a Turnpike Road from *Richmond* to *Reeth* in the County of *York*.
- xviii. An Act for altering and amending an Act of the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for making and for more effectually maintaining and repairing certain Roads in the County of Lanark, and for building a Bridge over the River Clyde, at Crossford in the said County*.
- xix. An Act for making and maintaining a Turnpike Road from *Saint Leonard's* and *Saint Mary Magdalen* to the *Royal Oak Inn* at *Whittington*, and through *Sedlescombe* to *Cripp's Corner* in the Parish of *Ewhurst*, in the County of *Sussex*.
- xx. An Act to incorporate the Governors of the *Westminster Hospital* at the *Broad Sanctuary*, *Westminster*, and for conferring Powers the better to enable them to carry on their charitable Designs.
- xxi. An Act to enable the Proprietors or Shareholders of the Family Endowment Society to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Society.
- xxii. An Act to alter and amend an Act passed in the First and Second Year of the Reign of His present Majesty, for better raising and securing the Fund established for making Provision for the Widows of Writers to His Majesty's Signet in *Scotland*.
- xxiii. An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Leicester* in the County of *Leicester*.
- xxiv. An Act for erecting and maintaining a Justiciary Court Hall and other Apartments for the Use of the Justiciary Court at *Glasgow*, and also Public Offices for the City of *Glasgow*, and the Lower Ward of the County of *Lanark*; and for other Purposes therein mentioned.
- xxv. An Act for paving, lighting, watching cleansing, and otherwise improving the Town of *Crediton* in the County of *Devon*.
- xxvi. An Act to enable *John Howard Kyan* to assign to a Company certain Letters Patent.
- xxvii. An Act to alter, amend, and enlarge the Powers of an Act for lighting with Gas the City and County of the City of *Exeter*, and for lighting with Gas the several Parishes of *Alphington*, *Heavitree*, *Saint Leonard*, *Saint Thomas the Apostle*, and *Topsham*, in the County of *Devon*.
- xxviii. An Act for lighting with Gas the Towns of *New Mills* and *Hayfield*, and the Neighbourhoods thereof, in the County of *Derby*.
- xxix. An Act for making and maintaining a Dock or Docks at *Southampton*.
- xxx. An Act to enable the *Wearmouth Dock Company* to make and maintain a proper and convenient Entrance into the *Wearmouth Dock* at the Port of *Sunderland* in the County Palatine of *Durham*.
- xxxi. An Act to enlarge the Powers of the several Acts passed for making and maintaining the *Saint Katharine Docks* in the County of *Middlesex*.
- xxxii. An Act for making and maintaining a Railway from the Royal Burgh of *Dundee* in the County of *Forfar* to the Royal Burgh of *Arbroath* in the same County.
- xxxiii. An Act for making a Railway from the Town of *Belfast* to the City of *Armagh* in the Province of *Ulster* in *Ireland*.
- xxxiv. An Act for making and maintaining a Railway between the Royal Burgh of *Arbroath* in the County of *Forfar* and the Royal Burgh of *Forfar* in the same County.
- xxxv. An Act for making a Railway from the *London* and *Birmingham Railway*, near *Birmingham*, to *Derby*, to be called "*The Birmingham and Derby Junction Railway*," with a Branch.
- xxxvi. An Act for making a Railway from *Bristol* to *Exeter*, with Branches to the Towns of *Bridgewater* in the County of *Somerset* and *Tiverton* in the County of *Devon*.
- xxxvii. An Act for making a Railway from *Aylesbury* to join the *London and Birmingham Railway* near the village of *Cheddington* in the County of *Buckingham*.

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- xxxviii. An Act to alter the Line of the Great Western Railway, and to amend the Act relating thereto.
- xxxix. An Act for building a Bridge over the River *Aire* at *Leeds*, and for making convenient Roads, Avenues, and Approaches thereto.
- xl. An Act for amending and enlarging the Powers of the several Acts for building a Bridge over the River *Thames* at *Henley-upon-Thames* in the County of *Oxford*.
- xli. An Act to alter and amend an Act passed in the Twentieth Year of His late Majesty King *George the Third*, intituled *An Act for repairing enlarging, and preserving the Harbour of Aberystwyth in the County of Cardigan*.
- xlii. An Act for improving, maintaining, and regulating the Harbour of *Teignmouth* and the Navigation of the River *Teign* in the County of *Devon*.
- xlili. An Act for improving, enlarging, and extending the *Forth* and *Clyde* Navigation, and certain Harbours and Works belonging thereto and connected therewith; and for making and maintaining Two Branch Cuts or Canals from the said Navigation.
- xliv. An Act to enable the *British Alkali Company* to sue and be sued in the Name of the Secretary or of any One Member for the Time being of the said Company.
- xlv. An Act for establishing a General Cemetery in the Town and County of the Town of *Nottingham*.
- xlvi. An Act for making and maintaining as Turnpike a Road leading from the *Flimwell* to *Hastings* Turnpike Road, at or near *Beauport* in the Parish of *Hollington* to *Hastings* in the County of *Sussex*.
- xlvii. An Act for repairing and improving certain Roads in and leading to and from the Town and County of the Town of *Poole*, and for making certain new Lines of Road in the said Town and County, and leading thence towards *Wareham* and *Blindford* in the County of *Dorset*.
- xlviii. An Act for more effectually repairing the Road from the *Totnes* Road at *Lady Down* in the Parish of *Ugborough* to within Four hundred Yards of the Bridge over the *Lary*, and for repairing the Road communicating therewith from *Hollowcombe Cross* to the Town of *Modbury* and *Dark Lane*, all in the County of *Devon*.
- xlix. An Act for more effectually repairing the Roads from *Harlow Bush Common* to and into the Parish of *Woodford*, and the Road from *Epping* to *Writtle*, and other Roads therein mentioned, all in the County of *Essex*.
- i. An Act for the more effectually repairing, improving, and maintaining the Road from the Town of *Ashford* to the Town of *Maidstone* in the County of *Kent*.
- ii. An Act to make and maintain a Canal in the County of *Dumbarton* from the *Forth* and *Clyde* Canal to the River of *Clyde*, opposite to the River of *Cart*.
- iii. An Act to amend and enlarge the several Acts relating to the *Bolton* and *Leigh* Railway, and for other Purposes.
- liii. An Act for repairing and improving the Road from *Wakefield* to *Sheffield* in the County of *York*.
- liv. An Act for enabling the Universal Life Assurance Society to sue and be sued in the Name of the Actuary for the Time being or of any One of the Directors of the said Society.
- lv. An Act for granting further Powers to a Company called "The Imperial Continental Gas Association."
- lvi. An Act to amend an Act to enable the *Birmingham Coal Company* to sue and be sued in the Name of their Secretary or One of the Members of the said Company; and to authorise the said Company to borrow a further Sum of Money; and for other Purposes relating to the said Company.
- lvii. An Act for incorporating certain Persons for carrying into effect the Purposes of an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the County Palatine of Durham, with Branches therefrom*; and for other Purposes.
- lviii. An Act for better supplying with Water the Township of *Dukinfield* in the County Palatine of *Chester*.
- lix. An Act for better paving, lighting, watching, and improving the Town of *Teignmouth* in the County of *Devon*,

- and for supplying the Inhabitants thereof with Water.
- lx. An Act to enable the *Carlisle* Canal Company to make a Dock or Docks at *Port Carlisle* otherwise *Fisher's Cross*, and for amending and enlarging the Powers and Provisions of the Act for making and maintaining the said Canal.
- lxi. An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of *Dundee* in the County of *Forfar*.
- lxii. An Act for more effectually repairing and improving the Road from the Eastern End of the Borough of *Grampound*, through the Towns of *Saint Austell* and *Lostwithiel*, and thence to the East End of the *Western Taphouse Lane*, in the County of *Cornwall*; and for making and maintaining certain new Roads communicating therewith.
- lxiii. An Act for making a Railway from the *London and Greenwich* Railway to the *Deptford* Pier, to be called, "The *Deptford* Pier Junction Railway."
- lxiv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Bristol* to raise a Sum of Money towards discharging the Monies borrowed under the Authority of an Act passed in the Second Year of the Reign of His present Majesty.
- lxv. An Act to alter, amend, and enlarge, the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River*.
- lxvi. An Act for regulating, preserving, and improving the Port or Harbour of *Newport* in the County of *Monmouth*.
- lxvii. An Act for better supplying with Water the City of *Gloucester* and Parishes and Places in the County of *Gloucester* near thereto.
- lxviii. An Act to alter and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for incorporating the *Hungerford* Market Company.
- lxix. An Act to enable *Charles Herbert* Earl *Manvers* to endow the Chapelry of *Perlethorpe* in the Parish of *Edwinstowe* in the County of *Nottingham*, to create the same a separate Benefice, and to vest the Nomination of the Incumbents thereof in the said Earl and his Heirs.
- lxx. An Act to provide for the better Regulation of certain Common Pastures within the Borough of *Beverley* in the East Riding of the County of *York*.
- lxxi. An Act to extend the Time limited by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, for the Improvement of the *Newry* Navigation.
- lxxii. An Act to amend and enlarge the Powers and Provisions of the several Acts for making and maintaining the *Ulster* Canal in the Counties of *Fermanagh*, *Monaghan*, and *Armagh*, in *Ireland*.
- lxxiii. An Act to enable the Commissioners of *Greenwich* Hospital to improve a certain Street called *King Street*, in the Parish of *Greenwich* in the County of *Kent*; and for other Purposes.
- lxxiv. An Act for improving the Approach to the Town of *Newton Abbott* from the City of *Exeter*, through the Village of *Kingsteignton*, in the County of *Devon*.
- lxxv. An Act for making a Railway from the *London and Croydon* Railway to *Dover*, to be called "The South-eastern Railway."
- lxxvi. An Act for making and maintaining a Railway from the Town of *Newcastle-upon-Tyne* in the County of the Town of *Newcastle-upon-Tyne* to *North Shields* in the County of *Northumberland*, with a Branch thereof in the County of *Northumberland*.
- lxxvii. An Act for making a Railway from *Cheltenham* and from *Gloucester*, to join the Great Western Railway near *Swindon*, to be called "The *Cheltenham* and Great Western Union Railway," with a Branch to *Cirencester*.
- lxxviii. An Act for making a Railway, with Branches, commencing at the *London and Birmingham* Railway in the Parish of *Rugby* in the County of *Warwick*, to communicate with the Towns of *Leicester*, *Nottingham*, and

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- Derby*, to be called "The Midland Counties Railway."
- lxxix. An Act for making a Railway from the Basin of the *Kensington Canal* at *Kensington* to join the *London* and *Birmingham* and Great Western Railways at or near *Holsden Green* in the County of *Middlesex*, and to be called "The *Birmingham, Bristol, and Thames Junction Railway*."
- lxxx. An Act for making a Railway from *Kington-upon-Hull* to *Selby*.
- lxxxi. An Act for making a Railway from the City of *York* to and into the Township of *Altofts*, with various Branches of Railway, all in the West Riding of the County of *York* or County of the said City.
- lxxxii. An Act for making a Railway from *Merthyr Tydfil* to *Cardiff*, to be called "The *Tuff Vale Railway*," with Branches.
- lxxxiii. An Act for more effectually improving and maintaining the Turnpike Road leading from the *Cow-Camsey* near the Town of *Newcastle-upon-Tyne* to the Town of *Belford*, and from thence to *Buckton Burn*, in the County of *Northumberland*.
- lxxxiv. An Act to amend an Act of the Seventh Year of the Reign of His late Majesty King *George the Fourth*, for more effectually repairing and improving the several Roads leading to and from the Towns of *Newton Bushell*, *South Bovey*, and *Moreton-hampstead* in the County of *Devon*.
- lxxxv. An Act to amend an Act passed in the Ninth Year of the Reign of King *George the Fourth*, for diverting, improving, and maintaining the Roads between the Towns of *Birstal* and *Huddersfield* in the West Riding of the County of *York*.
- lxxxvi. An Act for more effectually maintaining the Road from *Teignmouth* to *Dawlish*, and for making Roads from *Dawlish* to the *Exeter* Turnpike Roads, and certain Branches communicating with the same, all in the County of *Devon*; and to make and maintain other Roads communicating with the said Roads.
- lxxxvii. An Act to vary and alter the Line of the *Marlborough* and *Salisbury* Road, and for making a Road from the same to *Amesbury* in the County of *Wilts*.
- lxxxviii. An Act for authorising the Trustees on the Bridges over the *Clyde* at *Glasgow* to continue, uphold, repair, and maintain the *Wooden Bridge* over the said River, opposite to *Portland Street* of *Laurieston*; and for other Purposes therein mentioned.
- lxxxix. An Act for altering and extending the Powers of the Trustees upon the Road from *Livingston* by *Shotts* to the City of *Glasgow*, and placing under their Charge the Bridge across the River of *Clyde* called *Hamilton Bridge*, and the Avenues thereto, and the Road between the East and the West Ends of the Town of *Hamilton*.
- xc. An Act for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Carrick on Suir*.
- xc. An Act for lighting with Gas and supplying with Water the Town of *Tolcross* and Places adjacent in the County of *Lanark*.
- xcii. An Act for altering and amending several Acts passed for improving the Outfall of the River *Nene* and the Drainage of the Lands discharging their Waters into the *Wisbech River*.
- xciii. An Act for extending and improving the Maintenance of the Fire Police in the Borough of *Liverpool*.
- xciv. An Act for enlarging the Embankment of a Reservoir in the Valley of *Wessenden* in the Township of *Marsden* and Parish of *Almondbury* in the West Riding of the County of *York*, and for other Purposes.
- xcv. An Act for providing a more abundant and regular Supply of Water in the River called the *Upper Bann* in *Ireland*.
- xcvi. An Act for maintaining the Public Conduits and other Waterworks belonging to the Town of *Southampton*, and for providing an additional Supply of Water for the Inhabitants of the said Town and Neighbourhood.
- xcvii. An Act for incorporating a Company for the Improvement of Waste Lands in *Ireland*.
- xcviii. An Act to alter and amend an Act of His present Majesty, for improving the Port and Harbour of *Aberavon* in the County of *Glamorgan*, to further improve the said Harbour, and to change its Name.
- xcix. An Act to enable the Proprietors or Shareholders of a Company called "The Bank of *British North America*" to sue and be sued in the Name of One of the Directors or of the

- Secretary for the Time being of the said Company.
- c. An Act to authorize the City of *Dublin* Steam Packet Company to apply a Portion of certain Monies already subscribed in fulfilment of their Contracts for building Six additional Steam Vessels, and to legalize such Subscription.
  - ci. An Act for improving the Navigation of a Portion of the River *Parrett*, and for making a Navigable Canal from the said River to *Barrington*, all in the County of *Somerset*.
  - cii. An Act to amend the Acts for making a Railway from *Dundee* to *Newtyle* in the County of *Forfar*.
  - ciii. An Act for making a Railway to form a Communication between *London* and *Cambridge*, with a view to its being extended hereafter to the Northern and Eastern Counties of *England*.
  - civ. An Act for making a Railway to join the *London* and *Birmingham* Railway at or near the Regent's Canal in the Parish of *Saint Pancras* in the County of *Middlesex*, and proceed from thence to *Skinner Street* in the City of *London*, to be called "The *London* Grand Junction Railway."
  - cv. An Act for making a Railway from near the River *Tyne* to or near the River *Tees*, to be called "The Great North of *England* Railway," in the County of *Durham*.
  - cvi. An Act for making a Railway from *London* to *Norwich* and *Yarmouth*, by *Romford*, *Chelmsford*, *Colchester*, and *Ipswich*, to be called "The Eastern Counties Railway."
  - cvii. An Act for making a Railway from *Leeds* to *Derby*, to be called "The North Midland Railway."
  - cviii. An Act for making a Railway from or near *Romford* in the County of *Essex* to *Shell Haven* in the same County, and for constructing a Tide Dock at the Termination of the said Railway at *Shell Haven* aforesaid.
  - cix. An Act for making a Railway from *Sheffield* to *Rotherham*, with a Branch therefrom to *Greasborough* Canal, all in the West Riding of the County of *York*.
  - cx. An Act to enable the *Hayle* Railway Company to make certain Alterations in the Lines of such Railway, and for other Purposes relating thereto.
  - cx. An Act for making a Railway from *Manchester* to *Leeds*.
  - cxii. An Act for altering, amending, and enlarging the Powers and Provisions of an Act for making and maintaining a Pier or Jetty and other Works at *Herne Bay* in the Parish of *Herne* in the County of *Kent*; and for giving additional Powers to the *Herne Bay* Pier Company.
  - cxiii. An Act for making and maintaining a Harbour and other Works at *Sidmouth* in the County of *Devon*.
  - cxiv. An Act to extend the Time limited by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*.
  - cxv. An Act for making and maintaining a Navigable Canal to connect the *Rochdale* Canal and the River *Irwell* in the Township of *Manchester* in the County of *Lancaster*.
  - cxvi. An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for erecting a Bridge over the River Dungleddau, within the Town and County of Haverfordwest and the Liberties thereof*.
  - cxvii. An Act for regulating and improving the Town of *Galway* in the County of the same Town.
  - cxviii. An Act for repairing, maintaining, and improving the Road from *Dewsbury* to *Ealand* in the West Riding of the County of *York*.
  - cxix. An Act to enable the *Liverpool* Fire and Life Insurance Company to sue and be sued in the name of the Chairman, Deputy Chairman, or of any One of the Directors of the said Company; and for other Purposes.
  - cxx. An Act for the Amendment of Three several Acts passed in the Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty *George* the Third, for the Recovery of Small Debts within the Hundreds of *Blackheath*, of *Bromley*, and *Beckenham*, of *Rokesley* otherwise *Ruxley*, and of *Little* and *Lessness*, in the County of *Kent*, and within the Hundred of *Wallington* in the County of *Surrey*; and to extend the Powers thereof.
  - cxxi. An Act to enable the *London* and *Croydon* Railway Company to provide a Station and other Works in the

- Parish of *Saint Olave* in the Borough of *Southwark* in the County of *Surrey*; and to amend the Act relating to the said Railway.
- cxxii. An Act for making and maintaining a Railway from *Preston* to *Longridge* in the County Palatine of *Lancaster*.
- cxxiii. An Act for making a Railway from the *Minories* to *Blackwall*, with Branches, to be called "The Commercial Railway."
- cxxiv. An Act for making and maintaining a Harbour and Breakwaters at *Tremoutha Haven* in the County of *Cornwall*; and for making and maintaining a Railway from thence to the Town of *Launceston* in the same County.
- cxxv. An Act to amend an Act for more effectually maintaining and improving the Harbour of *Dover* in the County of *Kent*.
- cxxvi. An Act to alter and amend several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan*, and for further improving the said Harbour.
- cxxvii. An Act to rectify a mistake in an Act passed in the present Session of Parliament, for improving and maintaining the Navigation of the River *Suir*, and for making and constructing a Ship Canal at *Currick on Suir*.
- cxxviii. An Act for making and maintaining a Pier, Wharf, and other Works at *Greenwich* in the County of *Kent*.
- cxxix. An Act for establishing a cemetery for the Interment of the Dead, Southward of the Metropolis, to be called "The South Metropolitan Cemetery."
- cxxx. An Act for establishing a Joint Stock Company for the Prosecution and extension of the Fisheries off the Shores of *Ireland*, and for the Improvement of the Sea Coasts in Connection with such Fisheries.
- cxxxi. An Act for making and maintaining a Railway or Railways from the City of *Edinburgh* to *Leith*, and to the shore of the *Frith of Forth* at or near to *Newhaven* and *Trinity*, all in the County of *Edinburgh*.
- cxixii. An Act for making a Railway from *Dublin* to *Drogheda*.
- cxixiii. An Act for building a Foot Bridge over the River *Thames* from *Hungerford Market* in the Parish of *Saint Martin in the Fields* in the County of *Middlesex* to the opposite Shore in the Parish of *Lambeth* in the County of *Surrey*, and for making suitable Approaches thereto.
- cxixiv. An Act for erecting and maintaining a Bridge across the River *Thames* from *Church Street* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to the opposite Bank of the said River near *Market Street* in the Parish of *Saint John the Evangelist* within the City and Liberty of *Westminster* in the County of *Middlesex*.
- cxixv. An Act to amend and render more effectual an Act passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled *An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of Liverpool in the County Palatine of Lancaster*; and to repeal an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easy and speedy Recovery of Small Debts in the Town and Port of Liverpool and Liberties thereof in the County Palatine of Lancaster*; and to give further Power for the Recovery of Small Debts within the Borough of *Liverpool*.
- cxixvi. An Act for establishing Cemeteries for the Interment of the Dead, Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The London Cemetery Company."
- cxixvii. An Act to repeal Two Acts of the Reign of King *George* the Second, for the Recovery of Small Debts within the City and Liberty of *Westminster*, and for granting more effectual Powers for that Purpose.
- cxixviii. An Act for making and maintaining a Turnpike Road from *Anniekland Toll Bar* *Saint George's Road*, and Branch Roads therewith connected all in the County of *Lanark*.

# APPENDIX TO CHRONICLE.

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## PRICES OF STOCK in each Month in 1836, Highest and Lowest.

	Bank Stock.	3 per Ct. Reduced	3 per Ct. Consols.	3½ per Ct. 1843.	New 3½ per Ct.	3½ per Cts. red.	Long Annuity.	India Stock.	India Bonds.	Old S.S. Annuity.	New S.S. Stock.	Ex. Bills £. 1000.
January .. {	215 212	92 90½	91½ 90½	100½ 99½	99½ 99½	100½ 99½	16½ 16½	254 252	7 p.m. 1 p.m.	90½ 89½	103 102½	24 p.m. 14 p.m.
February .. {	219 215	92 90½	91½ 90½	100½ 99½	100½ 99½	100½ 99½	16½ 16½	258 254	6 p.m. 3 p.m.	90½ 90	102½	22 p.m. 17 p.m.
March .... {	219 218½	92½ 92½	91½ 91½	100½ 100½	100½ 99½	100½	16½	259 258	7 p.m. 3 p.m.	90½ 89½	104½ 103½	23 p.m. 18 p.m.
April .... {	215½ 210	91½ 90½	92 91½	99½ 99½	100½ 99½	99½ 98½	16½ 15½	258½ 257	8 p.m. 5 p.m.	90½ 89½		22 p.m. 18 p.m.
May . .... {	213 210	91½ 90½	92 91½	100½ 98½	100½ 100½	99½ 98½	16 15½	259½ 257½	3 p.m. 1 dis.	90½ 89½	104½ 104	20 p.m. 11 p.m.
June .... {	210½ 209½	91½ 90½	92 91½	99½ 98½	100½ 100½	98½ 98½	15½ 15½	259 258½	1 p.m. 2 dis.	89½ 89½		14 p.m. 11 p.m.
July ..... {	214½ 210½	92½ 91	91½ 90½	100 99½	99½ 99	100 99½	15½ 15½	263½ 258½	3 p.m. 2 dis.	90½ 90	103	16 p.m. 8 p.m.
August..... {	213½ 211½	92½ 91½	91½ 90½	100½ 99½	100½ 99½	100½ 99½	15½ 15½	262 259½	1 p.m. 2 dis.	90½ 90	103½ 103	12 p.m. 7 p.m.
September. {	209	91½ 91½	91½ 87½		100 97	100½	15½ 15½	259½ 256	5 p.m. 5 dis.	89½ 89½	103½	7 p.m. par.
October .. {	206½ 204½	88 86½	89½ 87½	97½ 96½	98½ 97	97 95½	14½ 14½	257 255	10 p.m. 1 p.m.	86½	99½ 99½	4 p.m. 6 dis.
November . {	206 199	88 85½	89 86½	97 94½	98 95½	96½ 94	14½ 14½	256½ 252	5 p.m. 2 dis.	85½ 84½	99	5 p.m. 10 dis.
December. {	210½ 205	88½ 86½	88 87½	96½ 95½	96½ 96½	96½ 95	14½ 14½	256½ 255	11 p.m. 8 p.m.	86½ 85½		20 p.m. 8 p.m.

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## AVERAGE PRICES OF BRITISH CORN.

FROM THE RETURNS.

	Wheat.		Barley.		Oats.		Rye.		Beans.		Peas.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
January 19 .....	36	5	27	10	18	8	27	11	32	2	34	10
February 12 ...	38	4	28	4	19	2	26	11	38	9	33	9
March 11 .....	42	0	29	2	20	7	29	0	34	8	33	8
April 19 .....	46	1	30	7	21	7	29	6	33	3	37	4
May 20 .....	49	3	33	2	23	1	33	4	38	9	40	10
June 16 .....	49	7	33	0	23	8	33	10	39	4	40	2
July 22 .....	50	7	33	1	23	10	36	6	39	7	42	10
August 19 .....	49	8	32	7	23	9	34	10	39	10	35	4
September 21...	47	9	34	7	23	7	32	4	41	5	35	9
October 18 .....	47	2	35	4	23	9	32	0	41	1	38	7
November 24 ...	51	11	37	4	25	7	34	11	42	10	42	0
December 16 ...	58	2	38	6	26	9	39	10	45	5	44	4

## AVERAGE PRICES OF HAY, CLOVER, & STRAW & LOAD.

January.	February.	March.	April.	May.	June.
Hay. 3 10 to 4 5	Hay. 3 5 to 4 4	Hay. 3 5 to 4 5	Hay. 3 12 to 4 6	Hay. 3 0 to 4 5	Hay. 3 15 to 4 4
Clover. 4 0 to 5 0	Clover. 3 15 to 5 0	Clover. 4 0 to 5 5	Clover. 4 4 to 5 0	Clover. 4 5 to 5 5	Clover. 4 4 to 5 5
Straw. 1 9 to 1 13	Straw. 1 8 to 1 13	Straw. 1 14 to 1 16	Straw. 1 10 to 1 16	Straw. 1 8 to 1 16	Straw. 1 10 to 1 16
July.	August.	September.	October.	November.	December.
Hay. 3 15 to 4 12	Hay. 3 15 to 4 4	Hay. 3 12 to 4 5	Hay. 3 15 to 4 5	Hay. 3 10 to 4 10	Hay. 3 10 to 4 10
Clover. 4 4 to 5 10	Clover. 4 5 to 4 10	Clover. 4 4 to 5 15	Clover. 4 4 to 5 15	Clover. 5 10 to 6 0	Clover. 5 5 to 6 0
Straw. 1 10 to 1 16	Straw. 1 8 to 1 14	Straw. 1 10 to 1 16	Straw. 1 13 to 2 0	Straw. 1 14 to 2 0	Straw. 1 10 to 2 0

## AVERAGE PRICES OF BUTCHER'S MEAT.

Average Prices per Stone of 8lb. in Smithfield Market, in 1836.

	Beef.		Mutton.		Veal.		Pork.		Lamb.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Jan. ....	3	8 to 4 8	3	4 to 4 10	4	0 to 5 8	3	0 to 4 6	0	0 to 0 0
Feb. ....	3	6 to 4 6	3	6 to 4 8	4	0 to 5 2	3	4 to 4 8	0	0 to 0 0
March ...	3	3 to 4 6	5	0 to 6 0	5	0 to 5 8	4	0 to 4 8	0	0 to 0 0
April .....	2	6 to 4 6	3	2 to 5 4	4	6 to 5 6	4	4 to 4 8	5	10 to 6 6
May .....	3	6 to 4 8	4	4 to 5 2	4	0 to 5 2	3	6 to 4 8	5	0 to 6 2
June .....	3	6 to 4 10	3	6 to 4 10	3	6 to 5 0	3	0 to 4 8	4	10 to 5 6
July .....	2	6 to 4 6	3	0 to 4 8	4	0 to 4 10	4	0 to 4 4	4	0 to 5 0
Aug. ....	3	0 to 4 4	3	0 to 4 2	3	0 to 4 10	4	0 to 4 6	4	4 to 5 0
Sept. ....	3	2 to 4 2	3	2 to 4 2	3	10 to 4 10	3	6 to 4 8	3	2 to 4 6
Oct. ....	2	0 to 4 2	2	4 to 4 0	3	10 to 4 10	3	2 to 4 8	0	0 to 0 0
Nov. ....	3	0 to 4 8	4	0 to 4 8	5	0 to 5 4	4	6 to 5 2	0	0 to 0 0
Dec. ....	3	10 to 4 8	4	0 to 5 0	4	0 to 5 6	3	6 to 4 8	0	0 to 0 0

# APPENDIX TO CHRONICLE. 257

## BILLS OF MORTALITY, from December 15, 1835 to December 13, 1836.

Christened { Males.. 13,024 } 26,255 || Buried { Males.. 9,202 } 18,229  
              { Females 13,231 }

Decrease in the Number of Burials reported this year 3,186.

### WHEREOF HAVE DIED,

Stillborn .....	971	Forty and fifty .....	1948
Under two years of age .....	4157	Fifty and sixty .....	1866
Between two and five .....	1634	Sixty and seventy .....	1849
Five and ten .....	783	Seventy and eighty .....	1573
Ten and twenty .....	673	Eighty and ninety .....	685
Twenty and thirty .....	1315	Ninety and a hundred .....	94
Thirty and forty .....	1651	One hundred and seven .....	1

## TABLE of the Number of BANKRUPTS & DECLARATIONS of INSOLVENCY

	Bankrupts.	Declarations of Insolvency.
January .....	74	7
February .....	85	7
March .....	101	13
April .....	77	10
May .....	58	9
June .....	62	7
July .....	58	8
August .....	68	14
September .....	63	6
October .....	64	6
November .....	110	7
December .....	109	9
	929	103

## METEOROLOGICAL TABLE FOR 1836.

Month.	Barometer.		Thermometer.		Prevailing Winds.
	Highest.	Lowest.	Highest.	Lowest.	
January ..	30·624	29·336	55	16	S. W. S. and N. E.
February ..	30·471	29·152	58	28	S. and N.
March ..	30·733	28·978	55	13	S. and S. W.
April ..	30·527	28·688	53	19	S. W.
May ...	30·404	28·655	69	26	S. W. and S.
June ...	30·412	29·361	63	27	S. W.
July ....	30·548	29·480	74	31	N. E. and E.
August ..	30·325	29·571	86	43	S. W. S. and W.
Septem. .	30·418	29·441	94	43	W. and S. W.
October. .	30·340	29·602	84	40	N. E. E. and W.
Novem. .	30·288	29·270	72	32	W. S. W. and N. E.
Decem. .	30·495	28·940	65	23	S. W. and N. W.
	30·733	28·655	94	13	

## UNIVERSITY OF OXFORD.

EXAMINATIONS. TERM—PASCHAL, 1836.

*In Literis Humanioribus.*

## CLASSIS I.

Arnould, Joseph, *Wadham*.  
 Donkin, W. F. *University*.  
 Gordon, Osborne, *Christ Church*.  
 Hessey, Jas. A. *St. John's*.  
 Prichard, Jas. C. *Trinity*.  
 Utterton, John S. *Oriel*.  
 Woolley, John, *Exeter*.

## CLASSIS II.

Butterworth, Josh. H. *Exeter*.  
 Caswall, Edw. *Brasen-nose*.  
 Connell, Jas. *Balliol*.  
 Cranstoun, Hon. Chas. *Jesus*.  
 James, Sir Walter C. Baronet, *Christ Church*.  
 Lowe, Fred. P. *University*.  
 Moore, Joseph, *Lincoln*.  
 Pattison, Mark, *Oriel*.  
 Pears, Steuart A. *Corpus*.  
 Pridham, Chas. *Exeter*.  
 Pulling, Wm. *Oriel*.  
 Whitbread, Gordon, *Brasen-nose*.  
 Wickens, Hen. *Exeter*.  
 Wilson, John M. *Corpus*.

## CLASSIS III.

Bowles, Jos. *Magdalen Hall*.  
 Broadley, Alexander, *Wadham*.  
 Brown, Fred. *Exeter*.  
 Brown, Hen. H. *Corpus*.  
 Deane, Fras. H. *Wadham*.  
 Dolignon, John W. *Balliol*.  
 Francis, Christopher D. *Exeter*.  
 Hannay, Jas. *Worcester*.  
 Hunt, Joseph, *Queen's*.  
 Keate, Rob. W. *Christ Church*.  
 Meyrick, Edwin, *Queen's*.

Monro, Edward, *Oriel*.  
 Morrell, Geo. K. *St. John's*.  
 Penrose, John, *Balliol*.  
 Pollen Richard H. *Christ Church*.  
 Pycroft James, *Trinity*.  
 Seager, Chas. *Worcester*.  
 Whitehead, Edw. *Wadham*.  
 Williams, John, *Trinity*.  
 Worsley, John H. *Magdalen*.

## CLASSIS IV.

Arrowsmith, Aaron, *Magdalen Hall*.  
 Attwood, Albion T. *Worcester*.  
 Beasley, Wm. C. *Lincoln*.  
 Bell, Geo. J. *Balliol*.  
 Borradaile, Abraham, *Christ Church*.  
 Borrer, Carey H. *Oriel*.  
 Bradley Chas. *Worcester*.  
 Carter, Geo. *St. John's*.  
 Chaplin, Edw. J. *Magdalen*.  
 Day, Chas. *Trinity*.  
 Duke, Edw. *Exeter*.  
 Dunston, Thos. W. *Exeter*.  
 Evans, Edward, *Jesus*.  
 Fynes-Clinton, Chas. *Christ Church*.  
 Harrison, Antony R. *Queen's*.  
 Holbeck, Hugh, *Christ Church*.  
 Lakin, Thos. C. *Oriel*.  
 Leslie, John, *Christ Church*.  
 Maddock, Robert N. *Queen's*.  
 Panting, Richard, *Christ Church*.  
 Riddell, John C. B. *Christ Church*.  
 Russell, Sam. H. *St. John's*.  
 Smith, Hen. J. C. *Wadham*.  
 Taylor, Chas. *Christ Church*.  
 Trevor, Geo. *Magdalen Hall*.  
 Twining, Wm. *Balliol*.  
 Weare, Thos. W. *Christ Church*.  
 Wilson, Wm. *Queen's*.

*In Disciplinis Mathematicis et Physicis.*

## CLASSIS I.

Donkin, Wm. F. *University*.  
 Gordon, Osborne, *Christ Church*.  
 Russell, Sam. H. *St. John's*.

## CLASSIS II.

Brown, Henr. H. *Corpus*.  
 Butterworth, Joseph, H. *Exeter*.  
 Connell, James, *Balliol*.

## CLASSIS III.

Bowles, Joseph, *Magdalen Hall*.

Whitehead, Edw. *Wadham*.

## CLASSIS IV.

Borrer, Carey, H. *Oriel*.  
 Orr, Alexander, *Oriel*.  
 Panting, Richard, *Christ Church*.  
 St. John, Edw. *Christ Church*.  
 Styleman, Hen. *Christ Church*.  
 Webb, Wm. *Magdalen Hall*.

# APPENDIX TO CHRONICLE. 259

TERM, MICHAELMAS, 1836. *In Literis Humanioribus*

## CLASSIS I.

Adams, Wm. *Merton*.  
Church, Richard W. *Wadham*.  
Kensington, Arthur, *Trinity*.  
Wickens, John, *Balliol*.

## CLASSIS II.

Collins, Charles M. *Exeter*.  
Cornish, John R. *Christ Church*.  
Erskine, Henry T. *Balliol*.  
Faber, Frederic W. *University*.  
Hardy, David, *Brasenose*.  
Hathoway, Frederic, *Worcester*.  
Mellish, George, *University*.  
Melville, David, *Brasenose*.  
Moyle, George, *Lincoln*.  
Mules, Phillip, *Brasenose*.  
Noode, George F. *Worcester*.  
Peake, James R. *Magdalen Hall*.  
Wynne, Charles G. *Christ Church*.

## CLASSIS III.

Allen, Henry G. *Christ Church*.  
Appletree, Francis R. *Balliol*.  
Armstrong, John, *Lincoln*.  
Badham, Chas. *Wadham*.  
Egerton, Edward C. *Christ Crch*.  
Evans, Lewis, *Wadham*.

Fisher, Thos. *Exeter*.  
Fitzgerald, Richard, *Exeter*.  
Gilbertson, Lewis, *Jesus*.  
Green, Martin J. *Lincoln*.  
Jones, Hugh, *Jesus*.  
Phillips, John B. *All Souls*.  
Templer, Henry S. *New Inn Hall*.

## CLASSIS IV.

Anderson, David, *Exeter*.  
Ashworth, John A. *Christ Church*.  
Baker, Henry S. *Exeter*.  
Bondinel, James, *Wadham*.  
Bromley, Robert, *Christ Church*.  
Burton, Richard P. *Pembroke*.  
Chirton, Hon. Lord W. P. *Christ Church*.  
Cotes, Digby O. *University*.  
Darby, John T. *St. John's*.  
Foulkes, Henry P. *Balliol*.  
French, Thomas, *Queen's*.  
Hamilton, James, *St. John's*.  
Knollis, Francis, M. *Magdalen*.  
Lewis, James, *Wadham*.  
Miller, William, *New College*.  
Rawlinson, Henry, *St. John's*.  
Smith, Charles G. *Wadham*.  
Talmadge, William, *Lincoln*.  
Webber, Wm. C. F. *Christ Church*.  
Wheeler, George D. *Wadham*.  
Woodhouse, Wm. H. *Christ Church*.  
Wyndham, John E. *Oriel*.

## *In Disciplinis Mathematicis et Physicis.*

## CLASSIS I.

Adams, William, *Merton*.  
Ashworth, John A. *Christ Church*.  
Cotes, Digby O. *University*.  
Kensington, Arthur, *Trinity*.  
Wickens, John, *Balliol*.

## CLASSIS II.

Hussey, Thomas, *Brasenose*.  
Peakes, James R. *Magdalen Hall*.  
Penny, Wm. G. *Christ Church*.

Smith, Charles G. *Wadham*.

## CLASSIS III.

Anderson, David, *Exeter*.  
Evans, Lewis, *Wadham*.

## CLASSIS IV.

Bromley, Robert, *Christ Church*.  
Capel, Arthur, *Balliol*.  
Hull, Robert P. *Brasenose*.

## CHANCELLOR'S PRIZES.

Latin Essay. *Antiquorum Romanorum in publicis operibus magnificentia.* (Not awarded.)  
English Essay. *The effects of a National taste for general and diffusive reading.*  
Henry Halford Vaughan, *Fellow of Oriel*.

## POETICAL PRIZES.

Latin. *Alexander ad Indum.* William Dickinson, *Scholar of Trinity*.  
English. *The Knights of St. John.* Frederic Wm. Faber, *Scholar of University*.  
S 2

# 260 ANNUAL REGISTER, 1836.

## UNIVERSITY OF CAMBRIDGE. EXAMINATIONS. MATHEMATICAL TRIPOS, 1836.

*Moderators.* { Samuel Earnshaw, M. A. *John's*.  
Henry Philpott, M. A. *Catherine*.  
*Examiners.* { John Harrison Evans, M. A. *John's*.  
Alexander Thurtell, M. A. *Caius*.

### Wranglers.

Ds. Smith ..... *Trinity*.  
Colinso ..... *John's*.  
Robinson ..... *John's*.  
Aldham ..... *Trinity*.  
Pirie ..... *Trinity*.  
Collison ..... *John's*.  
Lane ..... *John's*.  
Walton ..... *Trinity*.  
Haslam ..... *John's*.  
Conway } *Æq.* { *Trinity*.  
Shepherd } *Clare*.  
Smith, W. H. .... *John's*.  
Tozer ..... *Caius*.  
Hedley ..... *Trinity*.  
Turner, W. .... *Trinity*.  
Atkinson ..... *Trinity*.  
Headlam ..... *Trinity*.  
Turner, S. .... *Trinity*.  
Currey ..... *Trinity*.  
Bates ..... *Christ*.  
Cloyton ..... *Caius*.  
Lawson ..... *John's*.  
Lane ..... *Caius*.  
Uwins ..... *John's*.  
Pattison ..... *Corpus*.  
Farrand ..... *Clare*.  
Chapman ..... *John's*.  
Sparling ..... *John's*.  
Swinny ..... *Magdalen*.  
Calvert ..... *Pembroke*.  
Gambier ..... *Trinity*.  
Ansted ..... *Jesus*.  
Fisher ..... *Catherine*.  
Adcock ..... *Clare*.

### Senior Optimes.

Ds. Ayrton .. } *Æq.* { *Trinity*.  
Cook .... } *John's*.  
Walford ..... *Trinity*.  
Whitlock ..... *John's*.  
Hubert ..... *Christ*.  
Landon ..... *Corpus*.  
Hudson ..... *John's*.  
Tennant ..... *Trinity*.  
Trapp ..... *Clare*.  
Christopherson .... *John's*.  
Hail ..... *Trinity Hall*.  
Duncan ..... *Peter's*.  
Verlander ..... *John's*.  
Davies ..... *John's*.  
Keymer ..... *Pembroke*.

Jennings ..... *Trinity*.  
Westoby ..... *Trinity*.  
Marsh ..... *John's*.  
Wilkins ..... *Caius*.  
Coleman ..... *John's*.  
May ..... *Catherine*.  
Parkes ..... *Trinity*.  
Sykes ..... *Magdalen*.  
Bickersteth ..... *Sidney*.  
Coles ..... *Corpus*.  
Fellowes ..... *John's*.  
Nicholson ..... *Emmanuel*.  
Campbell } *Æq.* { *Trinity*.  
Chamberlain } *Peter's*.  
Turner, R. .... *Trinity*.  
Legard ..... *Emmanuel*.  
Pollock ..... *Trinity*.  
Clarke, T. J. .... *John's*.  
Jones, J. .... *John's*.  
Clarke ..... *Queens*.  
Kingdom ..... *Queens*.  
Palmer ..... *Trinity*.  
Pierpoint ..... *John's*.  
Jones, W. .... *John's*.  
Cotton .... } *Æq.* { *Trinity*.  
Moore .... } *Magdalen*.  
Osborne ..... *Trinity*.  
Lynn ..... *Christ*.  
Amphlett ..... *Peter's*.  
Roberts ..... *Clare*.  
Bateson ..... *John's*.  
Green ..... *Christ*.  
Higgins ..... *Corpus*.  
Timins ..... *Trinity*.  
Gilbert ..... *John*.  
Keppel, Hon. T. .... *Downing*.  
Frere ..... *Trinity*.  
Hilman ..... *Trinity*.  
Crow ..... *Catherine*.  
Drage .... } *Æq.* { *Emmanuel*.  
Mansfield } *Trinity*.  
Parker ..... *Corpus*.  
Bell ..... *Queen's*.

### Junior Optimes.

Ds. Parker ..... *Trinity*.  
Jones .... } *Æq.* { *Magdalen*.  
Nicholl .. } *Trinity*.  
Bennett ..... *John's*.  
Baker ..... *Caius*.  
Eden ..... *John's*.

# APPENDIX TO CHRONICLE. 261

Jeudwine, G. } *Æq.* } *John's.*  
 Milner .... } } *Pembroke.*  
 Cooper..... } } *Peter.*  
 Chapman..... } } *Caius.*  
 Carnegie.. } *Æq.* } *Catherine.*  
 Pardoe.... } } *John's.*  
 Phelps ..... } } *John's.*  
 Hoare ..... } } *John's.*  
 Hodgson ..... } } *John's.*  
 Thompson ..... } } *Emmanuel.*  
 Thornton..... } } *Trinity.*  
 Meade ..... } } *Peter.*  
 Thorp ..... } } *Emmanuel.*  
 Hore..... } } *Trinity.*

Roughton ..... *Emmanuel.*  
 Smith, J. S. } *Æq.* } *Trinity.*  
 Wilkinson } } *John's.*  
 Cousins ..... } } *Peter.*  
 Salman..... } } *John's.*  
 Whitworth ..... } } *Clare.*  
 Browne ..... } } *John's.*  
 Richardson..... } } *Trinity.*  
 Jackson ..... } } *Pembroke.*  
 Simpson ..... } } *Trinity.*  
 Hardy ..... } } *Trinity.*  
 Moore ..... } } *Queen's.*  
 Nelson ..... } } *Magdalen.*

## CLASSICAL TRIPOS, 1836.

*Examiners.* { John Frederic Isaacson, B.D. *John's.*  
 { John Gibson, M.A. *Sidney.*  
 { Horatio Samuel Hildyard, M.A. *Peter's.*  
 { Charles Merivale, M.A. *John's.*

### First Class.

Ds. Osborne ..... *Trinity.*  
 Marsh ..... *John's.*  
 Bateson ..... *John's.*  
 Mansfield ..... *Trinity.*  
 Smith ..... *Trinity.*  
 Turner ..... *Trinity.*  
 Gambier ..... *Trinity.*  
 Cotton ..... *Trinity.*  
 Frere ..... *Trinity.*  
 Walford ..... *Trinity.*  
 Clayton ..... *Caius.*  
 Atkinson ..... *Trinity.*

### Second Class.

Ds. Jeudwine ..... *John's.*  
 Thompson ..... *Emmanuel.*  
 Campbell..... *Trinity.*  
 Richardson..... *Trinity.*  
 Thorp ..... *Emmanuel.*  
 Whitworth ..... *Clare.*

Cooke ..... *John's.*  
 Wilkinson ..... *John's.*  
 Swinny..... *Magdalen.*  
 Fellowes ..... *John's.*  
 Clarke, T. J. .... *John's.*

### Third Class.

Ds. Milner, E.W. } *Æq.* } *Pembroke*  
 Moore .... } } *Queen's.*  
 Jackson ..... } } *Pembroke.*  
 Tennant ..... } } *Trinity.*  
 Chapman ..... } } *John's.*  
 Keymer ..... } } *Pembroke.*  
 Hudson ..... } } *John's.*  
 Walton ..... } } *Trinity.*  
 Adcock ..... } } *Clare.*  
 Pollock ..... } } *Trinity.*  
 Hoare ..... } } *John's.*  
 Cousins .. } *Æq.* } *Peter's.*  
 Meade .... } } *Peter's.*

## CHANCELLOR'S MEDALLISTS.

Wm. Alexander Osborne..... *Trinity.*  
 John Smith Mansfield ..... *Trinity.*

## CHANCELLOR'S ENGLISH PRIZE.

Thomas Whitehead ..... *John's.*

## SIR W. BROWNE'S MEDALLISTS.

Greek Ode, } No Prizes adjudged.  
 Latin Ode, }  
 Epigrams, Thomas Whitehead.. *John's.*

## PORSON PRIZE.

Charles J. Vaughan ..... *Trinity.*

## HULSEAN PRIZE.

John Murray..... *Trinity.*

## LAW CASES AND NARRATIVES.

COURT OF KING'S BENCH,  
WEDNESDAY, FEB. 10.

*Prosecution of Marylebone Vestry-  
men, for Conspiracy.  
The King v. Kensett and others.*

THE indictment charged the defendants with having combined, conspired, and confederated, and agreed together, maliciously, wickedly, and corruptly, to insert forty-two names in the list of voters made by the overseers for the parish of Marylebone, after it was signed by, and without the consent of, the overseers, and to cause a copy of such list to be printed and affixed to the church-doors, and to conceal such lists from the overseers, and to destroy the original list, and to cause to be transmitted to the revising barrister the altered list, and to induce the barrister to retain such forty-two names on the list, as being persons entitled to vote for members of parliament for the county of Middlesex.

Sir W. Follett stated, that the present was a most important case, both as regarded the nature of the offence and the position which the parties occupied. The defendants, except one, were vestrymen, elected under the provisions of an act of parliament, and the other of them (Flood) was the assistant vestry-clerk. They went out one-third annually, and the whole body were renewed every three years. They had the management of the parish funds, and the regulation of the parochial affairs, and they ought to have dismissed

from their minds all party motives, and should have regulated themselves in the discharge of their official duties by no other rule than that of a wish to do good to the public. The present defendants were all supporters of one of the members for the borough of Marylebone and one of the members for the county of Middlesex. By the 37th section of the Reform Act, the overseers were directed to make a list of the voters for the county, and to give notice to all persons entitled to vote to send in their names. These claims must be sent in previous to the 20th of July, and the overseers were then to make out the lists, with the Christian and surname, place of residence, and ground of claim to vote. They had also the power to write the words "objected to" against the name of any person on the list, and then to cause the list to be affixed to the doors of the parish church, and to keep a copy for public inspection. By that arrangement, all persons either having the right of voting, or claiming to have that right, had the power of inserting their names on the list. The overseers were then directed, by the 40th section, to send a copy of the lists to the high-constable and the clerk of the peace, and he was to produce the list signed by the overseers before the revising barrister. No power was vested in any other person, either to strike out or put in any name upon the list. In the vestry of the parish of Marylebone there

was a very great preponderance of one political party and the substance of the offence charged against certain members of that body was this:—They came to a resolution, “That a committee be appointed to assist the overseers in making out the elective lists for the parish for the year 1835.” That resolution had been proposed by Mr. Kensett, one of the defendants, and on the next meeting of the vestry, Mr. Robinson, who was an attorney, and also one of the defendants, proposed a resolution—“That no person be allowed to copy from the rate-books, and that, agreeably to the 32d section of the Vestry Act, no person be allowed to inspect the books of the vestry, unless he or she be a rate-payer, or a creditor of the parish.” That was an illegal resolution; for as the right of voting depended upon the rating, every rate-payer was intitled to inspect and copy from the rate-books: and although such a proceeding was not sanctioned by the act of parliament, the vestry passed the resolution. Mr. Harwood, the overseer, then received a letter from the defendant Flood, who was the assistant vestry-clerk, calling upon him to attend the self-appointed committee, and to assist in revising and preparing the lists. Mr. Harwood, however, remained in the court-house until the 20th of July for the greater part of every day, and there received the claims of all persons who chose to send them in. During that time he received 134 claims to vote for members for the county, and these claims were handed by him to the defendant Flood, the assistant vestry-clerk. There was then a meeting of the committee, at which Mr. Harwood was present, and the de-

fendant Kensett commenced writing opposite the names of several of the claimants “objected to,” although he had no legal authority to do so, and was at length stopped by Mr. Harwood. On the 24th of July the lists were signed by the overseers, Harwood and Gar-nett, and after that time no alteration or addition could be legally made to them; and now began the contrivance of the defendants. The defendants, Messrs. Kensett, Glazier, Stewart, Robinson, Flood, the vestry-clerk, and Davey, a printer, discovered, on looking over the lists, that their party had not so great a preponderance as they wished, and set about to get an additional number of names upon the list for their party. What were they to do? In the first place, the day had gone by. In the second place, there were no freeholders to put in claims; but neither of these obstacles stopped them. Their first object was to create votes. There was a burial-ground in the parish, which, under an old act of parliament, was vested in the vestrymen of the parish. It struck Mr. Kensett and Mr. Robinson, the lawyer, that they might create votes out of this burial-ground. There were 120 vestrymen in the parish, and their notion seemed to be, that each of them had a right to vote in respect of that burial-ground! No rational or sensible man could entertain so absurd an idea; but, as there were many gentlemen of the vestry not of their party, and many who would not have countenanced such a proposition, they resolved to select those only who had a strong political feeling on their side, or as Mr. Kensett expressed it, “Those of the right stamp.” And, accordingly, forty-two vestrymen

were singled out, who, in the opinion of the defendants, would form a very judicious addition to the list of voters. They imagined that if they could introduce these forty-two names into the lists previously signed by the overseers, they would escape detection and run no risk of their being objected to. They attempted to make the overseers party to that scheme; and on the 28th of July, eight days after the claims could have been legally sent in, Messrs. Kensett, Glazier, and Stewart, went to the overseer, Harwood, and asked him to allow them to introduce these forty-two names, Mr. Harwood said he would have nothing to do with it. It was represented to him that their party would be benefitted by it; that they were persons of "the right stamp," but Harwood was firm. He said he had a public duty to perform, that he was responsible to the public, and could not countenance such a fraud. They pressed him further, and intimated that there were certain offices at the disposal of the vestry, any of which he could have; but he still refused. These applications were made more than once; they also applied to Mr. Garnett, but to no purpose. They then went to Davey, who was a member of the committee, and he, in order to assist his party, consented, without the authority of the overseers, to print a list having these forty-two names fraudulently introduced, and having the names of the overseers affixed thereto. These lists were affixed to the church doors of the parish in the room of the original lists, and the question was, what had become of that list made out by the overseers, of which they should have

kept a copy? The list was given by Harwood to Flood, by him it was given to Kensett, and it was not afterwards heard of. When the lists were brought before the revising barrister, he asked for the original list signed by the overseers. The overseers were examined, and they stated that that was not the original list—that it contained names not on the list. Flood stated, that he had given the original list to Kensett, and Kensett declined to answer any question. It would be proved that the proof-sheet of the list was seen at the court-house, in the hands of Flood. The sums of 1*s.* each on the original 134 names were lodged in the bank, to the credit of the parish, and Flood contrived to lodge the additional sum of 42*s.*, for the forty-two surreptitious names, in the bank in the very same way.

Mr. Greenwell, vestry-clerk of the parish, produced the vestry-books, and therefrom read the resolutions agreed upon by the vestry, as stated by Sir W. Follett. The receipts for the payment of 6*l.* 14*s.* and 2*l.* 2*s.* into the bank of Sir C. Scott and Co., were endorsed "County Claims." and were in the handwriting of the defendant Flood.

Mr. Mortimer, from the office of the sheriff of the county of Middlesex, produced the revised list of voters for the county of Middlesex in the years 1833, 1834, 1835. In the list for the parish of Marylebone in 1833, he did not see the name of Thomas Alsop, of Edmund Archer, or Artud Williams.

The Attorney-General admitted that the forty-two names in question had not been on any previous list.

Charles Wright, of the office of

the clerk of the peace for the county of Middlesex, produced the revised list of the freeholders of the county of Middlesex for the last year.

Mr. Harwood resided in the parish of Marylebone, and was overseer there. Mr. Garnet was the other overseer. They both filled the office at the time of the preparation of the last list of voters. Gave notice to the voters two Sundays previous to the 1st day of July. Had claims to vote to the amount of 134, which he gave in to the vestry-clerk. Was not aware that a committee had been appointed to assist the overseers, till he received a letter requesting him to attend it. He attended the committee in consequence. Mr. Kensett acted as chairman, but he could not recollect whether Mr. Robinson was there; Mr. Stewart was there; Mr. Flood was also there. The claims were there also on two files. Mr. Kensett took the chair without any motion being made for that purpose. He (Mr. Kensett) took one of the lists of claims, and wrote against one of the names "objected to;" this the witness would not allow, and took the lists from him, and struck out the words he had written. Afterwards was ordered to make out the list of all claims, which he did. He afterwards prepared a list of the voters, to be placed on the church-doors; it was signed by himself and brother overseer. They signed that list on the 24th of July. Mr. Kensett wrote on that list to several names, in red ink, "objected to." The list, after being signed, was left with Mr. Flood, in order that it might be printed. Never saw the original list afterwards. The names inter-

lined were not in the list when he gave it to Mr. Flood. This was the first time he had seen the paper since. He asked Mr. Flood for it, at the request of Mr. Coventry; he stated that he did not know what had become of it, but admitted he had seen it in Mr. Kensett's hands. Mr. Kensett was asked by Mr. Coventry where the list was, when he informed that gentleman the last time he had seen it was on the vestry-table. Did not make any inquiry himself of Mr. Kensett about the list. Recollected seeing Messrs. Kensett, Glazier, and Stewart on July 28. Saw the two former in the vestry-room together. Mr. Kensett said, they had been to his house, as there was property unrepresented in the parish. He said, there were claims which he wished witness to accept. Witness said, "Claims! what claims? Why had not the parties put in their claims before the 20th of July, as he had sat at the court-house every day, from the 1st to the 20th of July?" To which Kensett replied, it was an after-thought. Witness asked if they had acquainted Mr. Garnett with it, and, on being answered in the negative, he asked the reason, when they said, they had more confidence in him. Witness would have nothing to do with them; when Mr. Kensett said, it was a pity, as they had forty-two of the right sort, and, as houses were property which could not be depended on, he should have any situation in the parish that he would name, if he would do it. Witness went down stairs, intending to go home. As he was walking along the street, he looked round and saw Stewart at his back, and Glazier and Kensett on each side of him,

Witness ran across the road to get rid of them, but they kept close to him. Went into a public-house kept by his friend, to avoid them. Afterwards saw Kensett and Glazier there. They supped there and they wanted him to leave with them, which he refused, as he was glad to find himself safe at his friend's. Afterwards saw Kensett, who said he had some money for him, but he refused to take it, as he did not owe him any. Saw Mr. Flood ticking off some names in the list, and saw two sovereigns by his side; this was in the vestry-room.

Cross-examined.—When it was proposed to add the names to the list, there was no objection made to tell the names. All that he knew was, that their number was forty-two, and that they claimed to vote as vestrymen and trustees for the stone-yard and burying-ground. The list, with the forty-two names, was put on the church doors on the 2nd and 9th of August. Knew on the Friday previous that the list was to be put up on the Sunday. Knew that it was to be put up with his name and that of Mr. Garnett attached to it. Did not order any other list to be put up. He had no doubt in the week between the 2nd and 9th of August, that the list had been put on the church-door on the 2nd of August. Knew after the 9th of August that the list had been put up again on that day. Objections came in to five of the names in the list afterwards.

Jeremiah Garnett, the other overseer.—The substance of this gentleman's evidence was, that, when he signed the list, the forty-two names were not in it; that a proof-sheet was sent with the manuscript to him for examination;

that he looked at the print, and his son read the manuscript; the forty two names had then been inserted, but he was not aware of it, as, not suspecting fraud, he had not looked at the manuscript. Mr. Robinson called on him on Saturday, the 1st of August. A conversation ensued relative to the forty-two names, when Mr. Robinson told him that, as overseer, he might scratch the names out if he pleased. Witness replied, they had scratched themselves in without his knowledge, and they might scratch themselves out as they could. Had never given any authority to any one to alter the list.

In cross-examination the witness stated, that he had not given orders that the altered list should not be put on the church-doors, nor had he ordered any person to put up another list.

Charles Hibble.—Was a ratepayer. Saw Mr. Flood from the gallery in the vestry-room ticking off some names on the list. Applied directly to look at the list; it was immediately sent out to him; there were ticks against the forty-two names. In about half an hour after, saw the banker's receipt brought for 2*l.* 2*s.*, and Mr. Flood wrote upon it "County claims." I told Mr. Harwood, in Mr. Flood's presence, of the forty-two names being inserted in the list, and cautioned him, as no claims had been received for them, and told him the consequence of allowing a false list to be published, and said, if it was permitted, I should bring the whole before the public. Mr. Harwood replied, that he had delivered in his list to Mr. Flood, and had done with it. Mr. Harwood declared he had never received any claims for those forty-two names.

In a conversation I have had with Flood, he said Davey had applied to print the list—the overseers had chosen Davey. I had a conversation with Mr. Robinson in the House of Commons, when he told me that all the facts had not yet come before the public. The witness then detailed the proceedings as they took place in the revising barrister's court on the 5th of October, when the original list was traced to Mr. Kensett, and he refused to produce it.

Stephen Curtis, a vestryman of the parish.—Davey printed the lists. There was a question asked at a parochial committee respecting a publication that had been in the newspapers. I said every word in it was true, and they were advised to be cautious in what they did. Mr. Kensett said, he had no hesitation in saying, that he had been the prime mover in this concern, and he did not doubt that any other vestryman would be equally proud to have the honour of being a freeholder for the county; they had put down a good many of the right sort, but he did not put down Mr. Curtis.

J. Mackintosh, the beadle, proved taking 42s. to the bank on account of the parish, for the county claims, by desire of Mr. Flood.

Mr. Coventry, the revising barrister, detailed the proceedings which took place before him on revising the Marylebone list in October.

Thomas Mills, one of the persons whose name was enrolled among the forty-two, proved that he had not authorised any person to make any claim for him, nor had he claimed himself.

This was the case for the prosecution.

The Attorney-General and other counsel addressed the jury for the several defendants.

Lord Denman then summed up the case.

The jury retired at seven minutes to 10 o'clock.

About 11 a message was sent to his Lordship to say there was no probability of their agreeing, and to beg they might be discharged.

The learned Judge said, he could not possibly agree to that at present.

At a quarter past 1 the jury entered the court, and delivered the following verdict:—"Stuart, Flood, Robinson, and Davey *Not Guilty*; Kensett and Glazier *Guilty*."

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COURT OF KING'S BENCH,  
FEB. 11.

*Tarr v. M'Gahey.*

*Violation of the Reform act by an Overseer of St. Pancras.*

Sir W. Follett stated this to be an action brought by an elector of the parish of St. Pancras, to recover a penalty of 500l. against one of the overseers of that parish, for having, in contravention and disobedience of the provisions of the Reform Act, wilfully and corruptly placed upon the list of voters for the borough of Marylebone, the names of three persons—namely, Michael Gibbs, Alexander Frazer, and John H. Benham, who were not entitled to be so placed, or to vote in the election of members to serve in Parliament. The defendant, M'Gahey, filled the office of overseer of the parish; and the question for the jury to consider would be, whether, in that office of trust so confided to him, he had wilfully contravened and disobeyed the provisions of

the act, by placing fictitious votes on the list. There were three instances laid in the declaration; one was that of Michael Gibbs. The collector was present, and the defendant being about to put down his name, the collector said, "That man is not entitled to vote—he has not resided a sufficient length of time on these premises, and has not paid his assessed taxes." The reply of the defendant was—"It is no business of yours; I shall put down his name as a voter." That name was objected to, and was subsequently struck off by the revising barrister. The next instance was that of John H. Benham, of No. 16, Melton-street; and the collector apprised the defendant that that person also had not paid his assessed taxes. The defendant, notwithstanding that caution, said, it made no difference, and put him down. That name was objected to, and struck off. The third instance was that of Alexander Frazer, of 6, Tottenham-court, New-road. That person was well known to the defendant, and they had acted on behalf of the same party together. The same statement was made by the collector—that Frazer had not paid his rates, and was not entitled to vote. What, however, did the defendant do? He spelt the name "Frazier;" and when the opposite party sent in an objection to his name, knowing him to be a bad vote, the defendant placed the objection opposite the name of another Alexander Frazer, of Upper Seymour-street, who was in reality a good vote, and to whom no objection was intended. When the case came before the revising barrister, of course the objection was disallowed, and the bad vote of Alex-

ander Frazer of Tottenham-court, to which no objection was made, was allowed to stand, and it actually still stood upon the list as a good vote. The barrister had no right nor authority to strike him off, and the overseer subsequently corrected the misnomer which he had himself intentionally made, and had the name altered by the revising barrister from "Frazier" to "Frazer."

Samuel Straight, deputy returning officer for the borough of Marylebone.—I produce the list of voters as revised by the revising barrister. It is signed by the overseers of the poor, and by the defendant, "John M'Gahey, clerk to the directors of the poor of the said parish."

John Stewart.—I am one of the overseers of the parish of St. Pancras. The defendant is also one: there are four others. The duties of the overseers are to relieve the poor, under the directions of the directors of the poor. Appeals relative to settlements are defended by the overseers. The defendant has acted as overseer, and also as vestry clerk, and clerk to the directors and guardians of the poor. He holds several offices. I did not assist in making out the lists. I signed it on the 31st of July, and appeared subsequently before the revising barrister. There were questions put to the defendant by the revising barrister. Mr. M'Gahey extended the circumflex, so as to include the name in the list of overseers. He did that in consequence of objections made by the other party, that he was acting as overseer, although he signed it merely as clerk to the directors.

Thomas Coventry, revising barrister for the borough of Marylebone.—I revised the lists for the

parish of St. Pancras. Mr. M'Gahey produced the lists, and I called for the overseers. One gentleman, Mr. Stewart, I believe, said he was an overseer; and Mr. M'Gahey then said he was one, that the addition to his name was a mistake, and that the circumflex should have included his name as one of the overseers. The circumflex was then extended, but I cannot say by whom. Mr. M'Gahey then acted as overseer, during the revision of the lists. I see the name of Michael Gibbs, 6, Belgrave-street; his name is erased, and my initials added, which satisfies me that his name was objected to and struck out. I took no notes. The name of John H. Benham, 17, Melton-street, is also struck out, but I do not know anything of the ground of objection. I see the name of Alexander Frazer, 65, Upper Seymour-street; there was an objection to it, but the objection was disallowed, and the vote was allowed to stand. There is also the name of Alexander Frazer, 6, Tottenham-court, New-road; that was not objected to. There was a list of objections handed in by the overseers, which we first went through. The name was originally "Frazier;" it was altered to "Frazer," but by whom I cannot tell, as I did not take any note.

Cross-examined.—The revision lasted four days. Mr. Scadding was in attendance, and supported the objections taken by his party, which were very numerous. I think all the objections were given in the name of John Tarr, the present prosecutor. There were several hundred objections by him. I overruled about half of the objections. Mr. Tarr was in the room, but took no active part; he

left it to Mr. Ernest and Mr. Scadding.

James Thompson, collector of assessed taxes in the parish of St. Pancras.—I collect in the west and south divisions. I attended on the 22nd of July last, at the vestry-room to assist in preparing the list of voters. The defendant called over names from a list he held. I recollect his calling the name of Frazer, 6, Tottenham-court, New-road. I said, he had been very remiss in paying his rates, that he was very much in arrear, owing 3*l.* 7*s.* 6*d.* I have since recovered the amount, having levied by distress. I called the defendant's attention to some names he passed over. He said, "Never mind, go on; answer my questions; you are not to put questions to me."

John Chapman, collector of assessed taxes for part of the south and west division.—I attended the defendant on the 21st of July with my books. I saw Thompson in attendance. There was a question whether a person had paid the poor-rates. Defendant said, "Never mind—go on;" he said this in a sharp tone.

William Body.—I am clerk to Mr. Scadding. I was at the registration court. I appeared in support of the objection of Alexander Frazer. The barrister did not allow it to be gone into. Two others were objected to in the same interest, and were struck out. Defendant applied to have the name of Frazier altered.

P. Thisselton, collector of assessed taxes.—I attended the defendant with my books. I told him Gibbs did not live at the place he stated, as the house was unfinished. He told me to go on, and call another name. I told

him he was not assessed. He did not call the names regularly; he was looking at the poor-rate book. I told him it had never been done in that way before. He said he should do it as he pleased. I remember his coming to the name of Benham, of Bennett-street, Euston-square. I told defendant he had not paid his assessed taxes due on the 6th of April previous. He told me to go on.

Cross-examined.—I called over the names with the defendant. I know Gibbs, he is a vestryman; there was no assessment of his house.

Re-examined.—We went over 3,500 names. He did not call over the names regularly. He only called over particular names.

The attorney-general then addressed the jury for the defendant.

The Jury having retired for a short time, gave a verdict for the plaintiff for 50*l*.

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CENTRAL CRIMINAL COURT,  
MARCH 2 AND 3.

*The Custom-house Robberies.*

William Jordan, alias Leary, aged thirty-three, labourer, Thos. Sullivan, aged twenty-six, labourer, Henry Mott, aged thirty-four, clerk, and Thomas Seal, aged thirty-eight, clerk, were put to the bar on an indictment which charged them with having, on the 27th of November, 1834, broken and entered the custom-house, and stolen therefrom property to a great amount, consisting of cash and bank notes.

Frederick Thomas Walsh. — Was receiver of fines and forfeitures in the customs in 1834. The office is in the custom-house, and marked "Receiver of Fines'-office." He had an inner room to

himself. In November, 1834, there was a considerable sale of property at the customs, as well as one a few months before, the produce of which would come into his hands. He had 4,292*l*. 11*s*. 9*d*. belonging to the crown, besides about 20*l*. of his own, and 400*l*. belonging to a Mr. Billings in the chest on the 27th of February. The money was principally in notes, obtained in exchange for gold from the Bank. [Here witness produced an account of the property stolen.] The chest was deposited in his own private office in the inner room; it was secured by two padlocks. There was a stork lock, but it was out of order, and not locked. The keys of the padlocks were kept one by himself, and one by the accountant of petty receipts. His own key was kept on his person, or locked up in his desk. There were two clerks in the office, and besides these no others had access to the office except on business. He saw the chest safely locked on the evening of the 27th of November; the key was left in his desk. When he came to the custom-house next morning, he heard a rumour, and, on going into the office, he found the padlock of the accountant of petty receipts broken. His own padlock was locked, and the key was in the drawer, the lock of which was broken. There were some foreign securities in the chest, which were left behind. The money was in three cash-boxes in the chest. He knew Mott as a clerk in the King's warehouse. He did not know any of the others. He had in the office a book in which he entered the name of the person who paid money, the amount, and the manner in which it was paid, that was whether in gold or notes.

On the morning in question he found that all the leaves of that book were torn out. The witness identified several notes as being some of those lost from the chest.

John Beeston, a clerk to the accountant of petty receipts, examined by Mr. Bodkin.—On the 27th of November, 1834, he was in Mr. Walsh's office. On that day the money was safe in the iron chest. He fastened the comptroller's padlock to the iron chest (a lock and key produced). These are the lock and key. [This witness corroborated the statement of the receiver of fines, as to the manner in which the chest was found on the morning of the 28th.]

Samuel Sterke.—He was employed by the customs as extra tide-waiter. It was his business to attend the fires, and to extinguish them when the clerks and officers went away. He recollected going into Mr. Walsh's office on the evening in question. The clerks had not then left the office. There is a passage door from the receiver's office, which was closed when the clerks left. He closed it on the day in question with a spring lock. He then went round to fasten another door, and any one might have passed into the office when his back was turned. Witness locked the door on the south side with a pick key, and took that key to the house of Mr. Billings. He went on the morning of the 28th, and on opening the south door of the office he found everything as he had left it.

Mr. Joseph Peel said, he was a clerk in the Bank of England, in the bank-note pay-office. (Three 300*l.* notes handed to witness.) He paid two of them on the 27th of November; the numbers were

2,309 and 2,310, and dated the 14th of November.

William Huey, an accomplice, examined by the Attorney-General.—He was appointed a landing-waiter in the customs in September, 1827. His father was collector of customs in Drogheda, Ireland. He became acquainted with Seal, who was a landing-waiter, and searcher like himself. He had had a difference with him, which was made up in June, 1834, and they became intimate again. Shortly after the renewal of the acquaintance he made a proposal to witness, saying that he intended to rob the custom-house. They used to meet at public-houses; sometimes at the Duke of Sussex, Peckham, at the Royal Mortar, in the London-road, at the Castle, Kent-road, and at the Three Kingdoms, Harp-lane. When he spoke of the robbery, he asked him to go to the Three Kingdoms to meet a person named Mott, a clerk in the customs. They went there; and when Mott came, Seal mentioned the robbing of the office of fines and forfeitures. Mott said the next sale would be small, but the following ones would be larger. Witness went to Ireland in August that year. Before that and after, he often met Seal and Mott at different public-houses. He first met Jordan and Sullivan, in June, at the Royal Mortar, London-road, and became acquainted with them through Seal and Mott. He afterwards met Sullivan and Jordan in Dublin, on his return from Drogheda, and they proposed robbing the custom-house in Dublin, or that of Drogheda, or any thing that he could help them to. He told them he could not help them to any thing of the kind there, and

he sailed for England on the same day. On the 4th of September he returned to duty, and met Seal, with whom he was stationed, and the robbery of the customs was again spoken of at different public-houses, and at Seal's house. Seal named two persons named Walter and Harry Newsom as two experienced cracksmen who would assist them; but on inquiry he (Seal) found they were out of town. Mott then proposed Sullivan and Jordan, and told them he had appointed that they should all meet at Jordan's house, No. 4, East-lane. This was about the 4th of October. Jordan and Sullivan wished to know what was to be found in the chest of the Fines'-office, and Mott said he would be able to tell after the next sale. Sullivan and Jordan said they would inspect the place and see how the thing was to be done. They met a few nights afterwards at Jordan's, and Sullivan said they had inspected the place, and thought the thing could be easily done. Sullivan said the best way would be to fit the locks, if they could take impressions of the keys. Mott was not then present, and witness promised to see and speak to him on the subject, which he did. Mott said that it would be easy to obtain impressions of the outer keys, but he feared it would be impossible to obtain impressions of the keys of the chest. Next evening they all met again at Jordan's, and Mott produced the outside key, which he said he had taken from the clerk of Mr. Bunnet, a clerk in the customs; an impression was taken, and next day Sullivan produced a key, which he said he and Jordan found to fit, but they feared it was too weak in the shank. It was pro-

posed to employ a person named May as an assistant with them in the robbery. Three small pad-lock keys were produced, and it was proposed to try if they would fit the chest. They all met, except Mott a few evenings after, and it being stated that none of the keys fitted, it would be best that one person should stow away in the Fines'-office, and May volunteered to be the person to do so. At the next meeting a wish was expressed to know what money was in the chest, and it was proposed to purchase a lot at the sales, and then, in going to the Fines'-office they would have an opportunity of seeing what was in the chest. Mott said a friend of his had a ticket for twenty gallons of rum, which ticket he gave to witness and witness gave it to Jordan, but Jordan said it would be better that he should first make himself acquainted with the person of the receiver, so that he might be able to follow him into his office and tender a large note for payment of the rum before he could receive change without going to the chest. At the next meeting Jordan said he had done so, and had tendered to Mr. Walsh a 50*l.* note, which he had signed with his own name that of Leary, and had given his proper address at 4, East-lane, Old Kent-road. He was told that this was wrong, as the names of the payers were entered in a book, to which he replied, that that book must be destroyed. He then went on to say that the receiver could not give him change without opening the chest, on doing which he lifted from it with both hands a tin-case containing, he thought, 4,000*l.* at least. It was then arranged that May

should be secreted in the office, and on obtaining the money that he should make his way out of it in the morning, when the doors were opened, without exciting suspicion, which he afterwards did. They then separated. On the 27th witness was absent from duty on a sick-note. On the evening of that day, at half-past four, Seal called on him, and in a quarter of an hour Jourdan and Sullivan came and said May was safely lodged. They told him that it was done by their going into the passage from the esplanade, and opening an umbrella so as to conceal May while he got into the office, which he did. He said they loitered about the esplanade till all the doors were shut. Mott was the last who came out, and, giving a jump for joy, told them all was safe. In the evening of that day Seal took them to Peckham, and pointed out his house. On the morning of the 28th he went with Seal to the Waterman's Arms, where they waited until they saw May, Sullivan, and Jourdan come in sight, when they came out and all went to Seal's house, where May produced the money from his pocket. May said that when alone in the office he set to work, and having obtained the receiver's key, he opened one lock, and broke the other. He then opened the chest, and took the money. He produced the leaves of a book, in which they found the name of Leary. They counted the money, which amounted to 4,700*l.* in notes, 122*l.* in gold, and about 50*s.* in silver. They divided the money into six lots, and tossed up for choice. Jourdan, Sullivan, and May then deducted a note and some money for expenses. There

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was a 50*l.* note with Leary's name on it, which he requested to have, saying it was the note he had paid to Mr. Walsh, the receiver. Mott was not present: his lot, with witness's and Seal's, was taken up stairs by the latter, and when they met in the evening, Seal said the money was seventy miles out of town. He afterwards told him the money was at Leicester; and in February, 1835, witness went to Leicester, to the house of Mrs. —, who gave him a small deal box, containing, as he afterwards found, three parcels, marked "T. S.," "W. H.," and "H. M." His share amounted to 745*l.* Mott and Seal gave him their money to take care of. Witness parted with some of the notes to Jordan for gold at a discount of 20*l.* per cent. He said he would take all notes under 50*l.* not advertised, at that rate. Other portions of the money were parted with in different ways, and a part of it witness buried in a churchyard. Seal proposed to send a portion of the notes to be changed on the Continent by a person named Morrison. They did so. They gave him three notes of 100*l.* each, two of 1*l.*, and two of 5*l.* each, for which he brought them gold from the Continent, which was divided. They had a second transaction of the same kind with Morrison. After this witness had three 300*l.* notes left, which he concealed in a cupboard-door at his house in Walworth. He made a hole in the door with a centre-bit, and wrapping some tape round the notes he put them in the hole, which he stopped with a cork. This he puttied over, and then papered it over that. He had a woman living with him at the time. His father came over

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here, after his arrest, about six weeks ago.

George Francis Rowan.—He was a searcher and landing-waiter in the Custom-house. He had known last witness about six years. He had known his father about two years. Huey sent for witness when in custody, and by his desire he wrote to his father. Huey was examined at Lambeth-street on a Tuesday, and on the following day his father arrived. They then visited the young man, and made a disclosure, in consequence of which he proceeded to Huey's house, and made a search but found nothing. Mrs. Huey came in and searched a door, and with a corkscrew drew a cork, which it appeared had been papered and puttied over. A small paper parcel containing three 100*l.* notes was found in the hole. (Here the notes were produced.) Those were the notes. Their numbers were 7,988, 4th of October, 1834; 2,309 and 2,310, both the 14th of November, 1834. He had a communication with the commissioners on the subject.

William Billings said, he was a warehouse-keeper of the king's warehouse. He deposited with Mr. Walsh, the receiver, four 100*l.* notes a few days before the robbery. The four 100*l.* notes paid by Billings to the receiver were received from the house of Lubbock and Co., and identified as some of those traced to the prisoners.

William Kedge, a cabinet-maker, lived at No. 3, East-lane, in November, 1834. A man named Leary lived next door. He saw that man now in the dock, under the name of Jordan. He frequently saw Sullivan, Seal, and Huey, at Leary's house on

Sundays. Leary left it early in December, 1834.

Cross-examined. — Witness knew all the parties, having seen them often, and worked in the house.

Witness went to the bar and identified Sullivan and Seale. He had also seen the other man (Mott) there.

Hannah Rudd, the landlady of the house No. 4, East Lane.—Let that house in August, 1834, to Mr. Leary, who is now in the dock.

Mary Godfrey lived at No. 17, Trinity-place, Trinity-square, Borough. Huey occupied two parlours in her house in November, 1834. He came home alone between four and five o'clock on the evening of the 27th. In a short time the prisoner Seal came in. Mr. Huey was then at dinner. In a little time Jordan and Sullivan called also on Mr. Huey. In about a quarter of an hour Mr. Huey let the two latter gentlemen out. Seale remained an hour or two, and to the best of her knowledge, he and Huey went out together. On the following morning Mr. Huey went out between eight and nine o'clock. In February, 1835, Mr. Huey went to the country on a Monday morning and returned on the Tuesday night. After his return she saw a small square box in the fire-place in his bed-room. She after that saw Sullivan and the other prisoners at his lodgings at different times.

James Jordan.—Was a watchman at the custom-house in 1834. He had known the persons of Jourdan and Sullivan for some months before the robbery in November, 1834. He had seen them both, both inside and out-

side the customs, and about the king's warehouse, before that time, and he thought once or twice since that event. He saw Huey there in December, 1835. Huey sent him to Mott to tell him that a gentleman wanted to speak to him, but not to tell him his name. Mott went to Huey, and witness heard Mott ask him how he did; Huey said, "I am very bad, for we are done, by God."

Charles George Thorpe, resided at Dessin's Hotel, Calais. A book was kept at the house of the names of persons who came to the hotel. Two persons arrived: one (Jourdan) gave his name Herring. This was in September, 1835. They said they wished to go to Belgium, and asked him to get their passports for Lille. One gave his name John Williamson, merchant, England; the other gave his name William Herring, chymist, London, and came from Dover. This was on the 9th; they returned on the 13th, and went back to Dover on the 14th.

Narcisse Valoire Dupont: I am a goldsmith and jeweller at Lille, I am in the habit of giving change for English bank-notes. (A note for 100*l.* shown to witness.) I remember having given change for this note; it was on the 10th of September, 1835. I wrote my name upon it, not on the same day, but three days after. Two Englishmen came to my house between 12 and 1 o'clock on the 10th of September, to buy a watch. After examining the watches which I presented to them; they selected one, with which I gave them a gold key to wind it up. They produced from a pocket-book one 100*l.* bank-note, which I asked one of them to sign, and one of them wrote "William Herring." I gave

Herring change in French gold, and a bank bill for 500 francs. Witness here pointed out Jourdan as the person who wrote the name "William Herring" on the note.

Mr. Missell (a Jew), residing at Brussels with his uncle, a banker there, remembered two Englishmen coming to their house to change an English note for 100*l.* it was No. 8,694, October 28th, 1834. One of them wrote upon it "Mr. William Herring, Marine P— (the rest was torn out), Dover.

George Bennett, a clerk in the Custom-house, said, he was employed in the warehousekeeper's office, and the prisoner Mott sat next to him and could see what he was doing. Witness had a duplicate key of the king's warehouse, which he kept in his desk during the day, and took home at night. He was absent through illness, from the 22d of November, to the 2nd or 3rd of December. His key was during that time in his desk, as far as he knew. Mott used to walk home with him occasionally. There was a bar between him and Mott, over which any person might look.

Francis Brady, a boot and shoemaker in the Kent-road, knew the whole of the prisoners. He had worked for Jourdan and Sullivan in the latter part of 1834. It was before the robbery at the Custom-house. He had frequently seen them at the Castle, Old Kent-road, and other places. He remembered a "free and easy" at which he was chairman, it was at the Lion and Lamb, Horselydown. He gave tickets to the prisoners, and three, if not all, of them came. He had heard them converse with others on the subject of the Custom-house robbery. He had

heard Sullivan say, that there was a number of watches there, and witness said, he wondered they (the robbers) did not take them, and Sullivan said no, diamonds were the thing, as a man might put as much in his waistcoat pocket as he wanted and walk away. This was said quite in a conversational way, as if a man had been talking after having read the account. He knew Huey, and saw him in company with the prisoners. He knew Jourdan as the brother of Thomas Sullivan, and understood him to be William Sullivan.

Henry Krimelmyer, a constable at the Sessions-house, Borough, knew Mott and Sullivan, and he knew the other prisoners by sight. He had known Mott many years. He had been in the habit of seeing them at public-houses before the robbery at the Custom-house. He saw Mott and Sullivan at the Royal Mortar (Peeke's), London-road, with Huey. He had also seen them at the Castle, Kent-road, with the furthest man (Jourdan); at the Lion and Lamb, and at the Kings Arms, Blackman-street.

Mr. Hooper Bankes, a clerk in the house of Prescott and Co., Threadneedle-street. — Knew the further prisoner (Jourdan); when witness first saw him he brought money to their house; it was on the 3rd of April, 1834. He came by himself, and gave the name "John Leary;" he said he had just come from America, and had some money which he wished to leave at their house. They had a cash account and a receipt account: the latter was where persons drew money out, which his was, he wrote his name in their book "John Leary." He said he had

no lodgings then, but afterwards gave his address, 81, Great Suffolk-street, Borough. He afterwards drew money out of his receipt account. His first account was for 700*l.*; he drew several sums to all of which he signed his name "John Leary." His receipt account was afterwards turned into a cash account, and then he drew checks. He had drawn six, all signed "John Leary." (A 50*l.* note shown to witness.) He believed the name "John Leary" on the front and back of that note to be in Leary's (Jourdan's) handwriting. The note was No. 14,803. The name on a 20*l.* note, No. 5,439, was also in his handwriting, as were those on other notes shown to witness.

Mr. Hornby, a clerk in the banking-house of Prescott, paid Leary's check for 450*l.*, which was the balance of his account. It was dated the 27th of November. (Four notes of 100*l.* each and one of 50*l.* shown to witness.) Those were the notes in which he paid that balance.

The prisoners, having been called upon for their defence.

Jourdan said—"My lord, and gentlemen of the jury, I am perfectly innocent of this charge. The whole statement you have heard is a fabrication of Huey's from beginning to end."

Thomas Sullivan.—My lord, I have but little to say. The evidence got up against me has put me to considerable expense. I was obliged to show where I was on the 5th of July, and I was in a situation to show it, but the charge against me was altered. I deny altogether the statement of Lock with respect to my passing a bank-note to him on the 5th of July. I wrote a letter to my fa-

ther on the subject, which letter has fallen into the hands of Mr. Hobler, the solicitor against me. With respect to what has been said by Huey, I have only to say that it is all false from beginning to end.

Mott.—My lord, and gentlemen of the jury, I hope you will bear in mind the evidence of Huey; it is every word of it false, and I, I assure you, am innocent.

Seal.—My lord, I am perfectly innocent, and the evidence given against me is false. I leave my case altogether in the hands of your lordship and the gentlemen of the jury.

Mr. Clarkson.—I now, my lord, am going to show that the witness Dupont and Missell were mistaken with respect to the prisoner Jourdan.

Witnesses were called to prove an alibi for some of the prisoners.

The jury returned a verdict of *Guilty* against all the prisoners, but recommended Mott and Seal to mercy, on the ground of their previous good character.

The sum of 900*l.* found at Huey's lodgings was ordered to be given up to the Custom-house.

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CARLOW ASSIZES,  
MAR. 19.—ALLEGED MURDER  
OF THE REV. JOHN WALSH.

Archibald Sly was then placed at the bar. He was a man of middle age, and was evidently of the better order of farmers.

The indictment charged him with the willful murder of the rev. John Walsh, upon the night of the 30th of July.

The rev James Nolan. — I knew the late Mr. Walsh. I saw him in July, he came that day to

Bagenalstown, on horseback, to our house, about 11 o'clock. He remained there about a couple of hours. I accompanied him from my own house to Clogrennan. We went in my gig. He left his horse at our house I parted with him at Clogrennan. I met him there again, between six and seven o'clock in the evening. We returned to Bagenalstown. We parted at our house. I think he remained there about a quarter of an hour. He took his own horse to ride home to Borris. I know the rev. Mr. Phelan, he was in company with the deceased that evening. Kilgreany-bridge is about three miles from Bagenalstown, and in the direct road to Borris. The deceased and I stopped at Leighlin-bridge at the rev. Mr. Kehoe's; we remained there half an hour or more. I think he got some negus or punch at Clogrennan, and he put it to his lips, and drank some one's health. He was perfectly sober.

The rev. Mr. Phelan confirmed this.

Brien Kavanagh. — I recollect the night of Mr. Walsh's death. I was coming from the colliery. I was accompanied by a man named Lawler; we had two cars. I observed a bulk on the middle of the road. It was about eleven o'clock at night, about seven or eight yards from the bridge. The horse refused to go, and I got out of the car and led him by. The horse started. I was coming from Borris side. I heard a horse before I came to the bulk. I was then lying in the car. I heard a moan from the bulk on the road.

Cross-examined.—I heard a horse before I came to the bridge. The horse, as I conceived, was going on towards Borris. I know the

turn at Kilgreany-bridge; there is a sharp turn on the road.

Dr. Toomy.—I am a surgeon. I examined part of the body of deceased after his death. About two o'clock on the day the body was found I made the examination at Borris. I first saw on the head a lacerated and contused wound low down behind the ear. That injury was quite sufficient to cause his death. There were two other contused wounds, one of which had the cuticle a little scratched, which sometimes appears after an oblique blow. The three wounds appeared to be perfectly distinct. I continued the examination, and removed the skull-cap, and found an extensive fracture on taking out the brains. There were fractures among the small bones of the nose, but on further examination I found that the internal angle of the right eye was injured. The injuries sustained behind could not have produced those injuries. A kick from a horse or fall could not produce those appearances. I think the wounds behind must have been from a blunt instrument, and attended with considerable violence, he was a stout robust man; I never heard he had a tendency to apoplexy.

Cross-examined.—I heard that father Walsh got a kick from a horse on the head, by which his sight was injured; that was some years ago.

Dr. Fitzpatrick examined.—I assisted the last witness in examining the body of Mr. Walsh; there were three contusions on the posterior part of the head, and another over the ear. I think they must have been inflicted by some blow from a heavy blunt weapon. There must have been more than

one blow given. These wounds could not be accounted for by supposing that the deceased had fallen off his horse. In that case there would have been some corresponding injuries upon the knees, arms, or other parts of the body.

Cross-examined.—I believe I said at the inquest that the injuries on the deceased might have been occasioned by a fall from his horse; but my whole answer was not taken down. I have practised extensively in the neighbourhood of Graigue and its dispensary.

Dr. Kehoe.—I examined the skull of the deceased the Monday after his death. I found a fracture of the inferior and posterior angle of the parietal bone, which extended to the temporal bone: the whole of the skull was extensively fractured, and there was also a portion near the eye, which I am told, however, was occasioned while the examination was going on. I had not seen the soft parts of the skull in time, and can form no opinion if a fall from a horse could have caused the injuries.

Mr. John Forth, county surveyor, proved the accuracy of a map produced on the trial, which showed the relative position of the places referred to by the evidence. The two routes to Sly's house, from Kilgreany-bridge, differed in distance more than four miles.

Stephen Perrin.—I am servant to Mr. Kavanagh of Borris. I recollect the night before the body of the deceased was found. I recollect the prisoner, who is my uncle, coming to Mr. Kavanagh's house about eight o'clock; he remained until about twenty minutes to ten. I accompanied him out, and we went to Mrs. Byrne's, in the village. It is a public-house. We drank there in the parlour,

inside the shop. We remained upwards of half an hour there; we then went up to my mother's for his pony, and walked it. We went back again to Mrs. Byrne's. Going and returning from Mr. Kavanagh's he walked. He did not make any complaint of having received any injury on his forehead. I did not see any accident occur to him. When he left Mrs. Byrne's the second time it was a quarter to eleven o'clock, and he then proceeded in the direction of home.

Solomon Lennox.—I am in Mrs. Byrne's employment. She lives in Borris. I remember the night on which the deceased was murdered. The prisoner came into the house, and I saw him there about half-past nine, accompanied by his nephew. They left the house at half-past nine, and at that time the prisoner had no mark on him. He said he was in a great hurry, as he had a quick journey to go. He had the marks of terror and fear in his countenance.

Cross-examined.—I swore at the coroner's inquest about the fright and terror in Sly's countenance; was putting up the shutters when he went out. It is not usual to close the door of a public-house so early as half-past nine o'clock. Never swore that the prisoner came into the house at half-past eight.

This witness repeatedly contradicted himself.

Matthew Murphy examined.—I know the prisoner. I recollect the night Mr. Walsh was killed. I saw the prisoner passing Kilcomny, going towards Kilgreany. That was not his way home. He was riding. He had passed by a turn in the road which would have led

him to his own house. He went in a direction contrary to his own house.

Cross-examined.—I have had no place of abode these twenty years. I lived in Ballinakill. I never told any thing about seeing the prisoner until two months ago. Lived in the neighbourhood before, and heard of the coroner's inquest. Never heard of Anne Rooney. Might have kept worse company. Heard of the reward. Would not take any money unless I earned it. I accosted Sly on the road, but I cannot say what answer he made. He passed between nine and ten o'clock. I have no watch.

Hugh Corrigan examined.—I am in the constabulary of Louth. In July last I was stationed in Ballinree. I knew the prisoner at the bar. I was stationed an English mile from his house. I saw him on the night of the 30th of July, between 11 and 12 o'clock. I was right opposite his place, having been sent with a letter to Fenagh. It was there I met him. He was riding fast at a hand-gallop. After this I was on duty at Sly's house. Sub-constable John Clanston asked me to go for an hour to relieve him. Two policemen had been sent to the prisoner's house for protection immediately after the inquest at Borris. I went to Sly's house about the early part of September. Had gone to him different times before on service. On the morning I went, in September, to Sly's house, I walked near his yard for about twenty minutes. I heard the noise of a horse coming in, but did not particularly mind it. Soon afterwards I saw Sly crossing from his dwelling-house rapidly into the stable. I thought it was Mr. Newton, and waited a short time.

I stood, thinking they were coming to the house, but as they did not, I went on close to the stable, and heard voices. I knew Mr. Newton was not there. The conversation was carried on as if in common discourse. The first words I overheard were Sly's uncle saying, "Archy, you are an unfortunate man to have any thing to do in this business, for, so sure as Aby Wynne is taken, and before he is a week in gaol, he will inform against you all, and you will be every man hanged." The prisoner made answer, "Never fear, he never will, for he is the man that used the hammer and killed him; and from the time I left Hugh Style's place, until I came into this bawn, I never met a soul but one." The old man made answer, and said, "If they were all like poor Styles, you need not fear." I heard the feet coming to the door after this, and I threw myself out of the position in which I was standing. Sly came to the door, and said, "Good morrow to you, Hugh." We said, "Good morrow kindly;" he said then, "My poor uncle heard that we were all taken and sent to Carlow gaol; but I defy them all for anything they can do to me." I did not give any information upon this subject to my commanding officer. I was preparing for confession, and told the conversation to my priest. My informations were afterwards sworn before Mr. Blackney.

Mr. Martley.—I certainly envy very much the accuracy of memory you have evinced upon this occasion, for what you have sworn now coincides to a letter with what you swore in your informations in November last. Your accuracy is most surprising, and your memory bids fair for immor-

talities. Were you ever in the gaol of Louth?—Witness.—I was, but I am not ashamed of that.

Mr. Martley.—Indeed, I am sure you are not ashamed of anything. Did you commit the conversation to writing?—I did not. Can you tell the day of the week this conversation occurred?—I cannot. That is very strange for a man of your surprising powers of recollection. How did you remember it?—I never intended to swear against the prisoner, until I was preparing to confess to the priest. Did you repeat the conversation as often as your prayers?—I did not, but the moment I heard the expression, I thought Sly was guilty of murder. You make an affectation of religion, and yet it never occurred to you to tell that a Roman Catholic clergyman had been barbarously murdered? (No answer.) Were you not bound by the oath you swore, as a constable, to obey the laws of God and man, and to disclose all violations of the laws?—Nothing was mentioned upon this subject, as I recollect. It is strange you do not recollect. Did you speak to Mr. Moloney on the subject, when you heard Sly allude to the paper which he conceived Byrne had given to Mr. Moloney?—I did not. Were you examined at the coroner's inquest?—I was not; not until afterwards. Did not Sergeant Patterson, in his book, return you as having been in the barracks at 11 in the night Mr. Walsh came by his death?—He did. Did you not swear that you saw the prisoner the same night leave his own house at 12 o'clock?—I did, but Sergeant Patterson made a wrong entry. When did you complain of this false entry?—Not until

lately. And why did you do so then?—I cannot say. Oh! it was not because the entry would have falsified your statements on the trial? (No answer.)

Baron Smith, in the most impressive tone, said—If you expect to be saved, answer the question at once. Witness.—I never complained until lately. I thought nothing about it.

Mr. Martley.—You knew that Sly was charged with the crime of murder at the coroner's inquest, and did you then attend?—No. Do you know Anne Rooney?—Yes. Were you present when she swore against the prisoner, Styles and Wynne?—I was. Was not Sly then fully acquitted?—Yes. And yet after this it was, that he spoke of the danger that he would be arrested? (No answer.) Did you ever hear of the reward?—I have seen it in print. Did you ever hear of the amount?—It was a good penny. Why did you not inform against Sly before?—Because I considered that he would be convicted on other evidence, and I also heard that he had fired at a soldier.

Baron Smith looked at the informations sworn by the witness, and said, it was most remarkable that he, after the lapse of a considerable time, stated the conversation between Sly and his uncle in the identical terms that appeared in the informations. This was the more singular, as the witness said he had not committed the conversation to writing.

James Doyle examined.—I remember the night the rev. John Walsh was killed; I was at that time in Mr. Sly's service; my master went on the 30th to the petty sessions; I went to bed at nightfall, before my master re-

turned; I did not lock the door before I went to bed, because I had orders not to do so when he was out; the following morning I got up and went to the prisoner's room to see if he had come home; he was then in bed, and desired me to go of a message; on my return I went to him again, and then remarked a red stroke about his forehead; he said, he was at Mr. Kavanagh's avenue on horseback, and, when returning, he struck his forehead against a bough; he remained in bed that day while we were at dinner; Pat Fleming was the boy who was with me; we slept in the bed in the kitchen; on Friday night I went to bed about nightfall; I awakened during that night, which was the one after the rev. Mr. Walsh was killed; I heard the noise of a horse coming up to the door, and the latch of the door was raised; the person said, "Uncle, are you in bed?" The prisoner replied, "I am; is that Frank?" Sly then opened the door, and I heard him say, "How are you, Mr. Cardiff?" He then desired Frank Perrin to put the horses in the stable; Frank replied, that it would not be worth while for the short time they would stop; the prisoner then went for chairs from the parlour, and he brought them into the kitchen; he then desired the other two men to sit down. Sly had some discourse with them; the candle was lighting at this time, and Perrin came to the settle-bed and looked upon me and the other boy; he then said, "The two boys are fast by the eyes, anyways;" the prisoner observed to the others, "If you beat a drum at their ears they would not hear it;" he then said, "I am told you have dread-

ful work about the business in Bagenalstown." "Yes," replied Perrin, "there is not an old voteen in the town who is not going mad about it." Sly then rejoined, "The lady will be proud anyway, if he could tell her mind;" he also said, that Wynne had great babbling on the subject, and that if he (Sly) had been as wise in the beginning as in the latter end, he would not have had him at all; when Wynne came up to the priest, he did not come up stout, and he feared he would have staggered on it. Sly said, "that he caught hold of the reins, and he got a blow from Priest Walsh's whip on the forehead." Wynne then downed him with a hammer, and Styles then jumped upon the body; the mare was then let loose, and they then jumped on the body, and gave it some heavy kicks; Perrin observed, "Why did you not let him among the trees?" The prisoner answered, "Ah, what a warrior you are! We brought him to the bridge, and laid him before Brophy's door, who is a Catholic, and there is not a gentleman in the county who will not believe that he did not fall from his horse, unless, indeed, some should say he was murdered." I heard Perrin say, "What did you do with the hammer?" and the prisoner replied, "may your head and mine never ache until the hammer is found." The boy beside me then began to stir in the bed, and Perrin said, "The fellow is awaking." The men then went out, and I got upon a table at the gable end of the house, in order to hear what they were saying. All I heard was Sly bidding them good night. He then returned into the house and went to bed. I remained in his house

two months after this conversation, in order to finish the time which I had agreed to serve with him. I also had some potatoes sowed in his land, and wished to wait till they were dug.

Cross-examined.—Are you related to Corrigan?—No. I would think you were, for I never heard two such memories in my life. Was the prisoner in his room when Cardiff and Perrin called?—He was, and came down to open the door. It is extraordinary that when the noise of rapping was so great you did not get up to let the men in? (No answer.) You say it was Perrin looked at you, and the boy with you, in the settle-bed, after he had come into the kitchen?—Yes. Then he must have known that the prisoner was about telling him of this murder; but Sly would not tell where the hammer was?—He would not. If Sly told about the hammer, and where it was, and that it was not afterwards found where you described, would not your story be disbelieved?—I am telling only the truth. Nobody would insinuate the contrary. Were you examined at the inquest?—Yes. Were you not sworn to tell the whole truth?—Yes. Did you say a word about this conversation?—I answered everything that was asked. Did you know all they were inquiring about?—I did. And yet you did not say a word about so material a matter as this conversation? Did you speak to Mr. Moloney then?—I did not. Are you able to read?—I am not. Did you often repeat the conversation since it took place?—No. And yet the words are precisely the same as those sworn to in your informations? (No answer.)

Patrick Fleming examined.—I

was living with Sly at the time Mr. Walsh was killed. I used to sleep with J. Doyle, in the kitchen. Some time after the murder I heard the prisoner curse and swear that he knocked down old blind Jack Walsh. He was pretty hearty when he said this. Two policemen were present at the time.

Cross-examined.—I cannot say when this was said. The prisoner uttered the words without speaking to any one. He said it to himself. I left Sly's, and ran away to Holmes's, in the county of Wexford. I left him, being unwilling to stop with him after the priest was killed. He did not settle with me.

Mr. Martley.—You want, however, to settle him.

Arthur Byrne.—My brother keeps a public-house in Ballinree. Cardiff and Perrin came to the place at nightfall, on the Friday after the murder of the priest. They got spirits, which they took away with them.

Mr. Berwick.—Is that all you know? Witness.—Yes.

Mr. Berwick.—Then you may go back again.

Mr. Tickell stated, that he had several witnesses whom he offered for the cross-examination of the prisoner's counsel, because they did not corroborate the evidence given by some witnesses for the Crown.

For the defence, one of the policemen stated by Fleming to have been present when Sly said, "he had knocked down old blind Jack Walsh," positively denied that any such expression had been used by Sly.

Walter Perrin examined.—I am nephew to the prisoner; I was in Mr. Kavanagh's service in July last; I remember my uncle being

in Borris the night of Mr. Walsh's death; he had no horse with him upon that occasion; I took a message from my uncle to my mother between ten and eleven o'clock that night; he appeared to have taken liquor; I accompanied him from Borris-house to the town; we went to my mother's house, and she had applied a cold smoothing-iron to his forehead, where he had got a blow; he proceeded home the shortest road after this.

Jane Perrin examined.—I live in the town of Borris; I am the prisoner's sister; I recollect the night the deceased met his death; that day Sly dined with me, and left his mare in my stable; he parted from me about eleven o'clock; he went out before this to Borris-house, and on his return had a lump on his forehead; I put a cold smoothing-iron to it; he said he had struck his head against the bough of a tree, his mare going very fast at the time.

John Cardiff examined.—I am steward to Mr. Kavanagh, of Borris; I recollect the evening of the death of Mr. Walsh; I saw Sly that evening in the servants' hall; the following evening I and Frank Perrin went to Sly on the business of bringing him to his brother to see if two leases could be broken; the election petition was going on; he sat down in the kitchen; he saw a settle-bed in the kitchen, but did not examine it, neither did Perrin. Said, in reference to Mr. Walsh's death that the town was in an uproar, and that it was not safe to be out. Sly never said a single word about having shared in the murder.

Cross-examined.—It would be foolish to implicate myself. Drank to-day, but not for the purpose of making ourselves up on this occa-

sion. Did not hear that the deceased was going to London prior to his death upon an election petition.

William Little examined.—I am uncle to Sly. I am eighty-four years of age. I have never said a word in a stable or out of a stable about Sly having been in danger about the murder. He never spoke a word to me upon the subject.

Mr. Martley said they had Wynne and Styles present, if the Crown wished to examine them:

This offer was declined.

Dr. Rawson.—I examined the head of the late Mr. Walsh on the Monday after he was found dead. A fall from a horse could decidedly have caused the fractures I saw on the head.

Cross-examined.—I could not judge of the nature of the contusions in consequence of not seeing the head in sufficient time. A gentleman who saw it at an earlier period could give a more accurate opinion. There was a diversity of opinion among the medical men who were at the inquest.

The jury, in less than ten minutes, returned a verdict of *Not Guilty*.

PERJURY.—At the same Assizes for March on Monday, Anne Rooney, a country girl, was indicted for perjury, contained in a voluntary information sworn by her before W. Moloney, Esq., J. P., on the 26th of August, 1835, touching the death of the rev. Mr. Walsh. Mr. Moloney said, that on the 22nd of August last, Anne Rooney, the prisoner, came before him, and deposed to the effect, that she hired herself as binder, to one Howley, Kilgreany-bridge, a week before the murder

of the rev. Mr. Walsh; that on the night of the murder she saw Sly, Styles, and Wynne, come into Howley's house, and heard Sly whisper to Styles, that he should go to the bridge, and wait till he heard the priest coming, and then whistle; she stated also, that herself, the wife of Howley, and her daughter Kitty, went down the field; that they hid themselves behind bushes for half an hour; that then they heard the priest riding up slowly, and whistling; that the three men came up; that Sly seized the rein and head of the priest's horse, and said, "We want you;" that the priest said, "If you want money or drink, I'll give it to you; my boys;" but that they said;—"No, we want you; it's often you dragged us through your teeth; and now we'll drag you;" that they then pulled him off his horse, and that he begged of them to give him two minutes to pray, and to stand off from him; this they refused, and then they murdered him, striking him with a hammer, jumping upon him, &c.; that when they had murdered him, they went away; that they came back to see if he was dead, and that they (the party of females before mentioned) remained, through fear, under the bushes, until daylight, lest they should meet any of the murderers. The governor of Naas gaol proved that the prisoner, Anne Rooney, was confined in that gaol on the day father Walsh was killed and for sixteen days after—namely, until the 15th of August. The woman Howley and her daughter deposed that they never saw Anne Rooney in their life before. She was found *Guilty*, and sentenced to two months' imprisonment, and

to be transported for seven years.

At the Carlow Summer Assizes, Hugh Corrigan, James Doyle, and Patrick Flannery, were indicted for wilful and corrupt perjury, in their evidence on the trial of Archibald Sly, for the murder of the rev. J. Walsh, of Borris, at the last assizes.

The jury, without a moment's hesitation, found a verdict of *Guilty*.

Baron Smith sentenced the prisoners to be imprisoned for four months in the county gaol, and then to be transported for seven years. His Lordship observed, that as one of them, Doyle, had expressed contrition by the acknowledgment of his guilt, he should interfere to have his sentence commuted, so that the culprit would not be sent out of the country.

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LEICESTER, July 29.

CHARGE OF MURDER.

Henry Roper, a labouring man, apparently about sixty-five years of age, was indicted for the wilful murder of Elizabeth Tebbutt, of Kegworth, on the night of the 10th of December, 1802.

It appeared from the statements of the witnesses that the deceased was the daughter of a respectable farmer, who formerly lived near Kegworth, in this county. In the year 1802, when she was about thirty-six years of age, she resided with her brother William, who had then recently commenced business as a mercer and draper in that village, and for whom, he being a bachelor, she kept his house. About 10 o'clock on the night of the 10th of December, in the year

1802, she left her mother's house to return home to that of her brother. Her shortest way lay through a lane called Tinker's-lane, and a pathway across an orchard called "the Hall-close." She did not, however, come home that night; and at six o'clock on the following morning she was found by two young men, lying on the ground near the path in the Hall-close, her cloths turned up so as to expose her limbs, and several marks of bruises on her person. They immediately gave an alarm, and some of the neighbours hastened to the spot. The deceased was unable to answer any questions that were put to her, but mumbled something that was unintelligible. She was removed in an arm-chair, first to a forge which was near, and thence, when it was ascertained who she was, to her brother's house, where she was put to bed. Her brother Edward, who had shortly before commenced practice as a surgeon at Castledonnington, about three miles from Kegworth, was immediately sent for. He found her, upon his arrival, quite insensible, and in the course of an hour she expired. An inquest was held on the body. The coroner and the jury found marks, as if of pressure, on the sides of the breasts, and also bruises on the thighs, knees, and ancles; but not to an extent to have occasioned death. The sister-in-law of the deceased also observed those marks; but she did not perceive any appearances on her clothes from which she could infer that her person had been violated. She did not, however, make any examination beyond what the men had made; and the persons by whom a more delicate examination had been made, were now dead. The prisoner was at

that time residing at Kegworth, and not the slightest suspicion ever lighted upon him. There was another person, however, upon whom suspicion did fall, but it appeared to have been without any sufficient foundation, and the coroner's jury returned a verdict of "Wilful murder" against some person unknown. In eleven days after Miss Tebbutt's death the prisoner, who had always borne a good character, was married by the rev. Mr. Dalby to a young woman, named Ellen Cross, the bans having been published on the three preceding Sundays. He continued to reside with his wife at Kegworth for two or three years after their marriage, and they then removed to the parish of Plomtree, in Nottinghamshire, which is only about ten miles distant from Kegworth, and where they had continued to live very creditably ever since, and reared a family of several children. The prisoner enjoyed good health until about a year ago, when it became impaired. In the month of April last he was suffering from severe indisposition; and on the 29th of that month, about two o'clock at midnight, his daughter called up their next door neighbour, a man of the name of Murden, in the same walk of life as the prisoner, but who occasionally preached and gave religious instruction. As Murden was entering the prisoner's room, he heard him say, "I have done murder," which he repeated twice. Murden said "Nonsense, man; it is a temptation of Satan's." The prisoner replied, "It is not; it is God's truth, and I'll not deny it. Murden then inquired of him whom he had murdered? He replied "Miss Tebbutt, of Kegworth, who lived with her brother

at the top of the village." Murden asked him "how he had done it?" The prisoner said, that "he had met her in the Hall-close, at night, he did not lay violent hands upon her, but he ravished her, and then left her there, exposed to the cold; and that was what caused her death." He went on to say, that for the last two months, he could not sleep for thinking of it; and when he used to hear his wife and daughter speaking about Elizabeth Tebbutt, it used to make his flesh creep on his bones, and he used to tell them to hold their noise. While the prisoner was making these declarations he was in great pain, and his daughter and her husband were holding him in the bed. His wife was sleeping in another room. Murden then prayed with the prisoner, who immediately afterwards fell into a doze, and the former lay down on the bed with him, and remained there till 5 o'clock in the morning. The declaration of the prisoner having been communicated to Mr. Edward Tebbutt, the surgeon, that gentleman visited the prisoner on the 5th of May. He first asked him how he did; and on the prisoner telling him how poorly he was, he inquired of him if he slept well? The prisoner said, he could not get any sleep; and upon Mr. Tebbutt inquiring if that were caused by any distress of mind, the prisoner said, "I know what you are come about; you are come to inquire about your sister Elizabeth's death; it was I who did everything that was done to her; and no one else." On the 10th of May the prisoner was taken before Mr. M. Philips, the magistrate; and on his examination before him, he stated that in the year 1802, early one morning in the winter, but he

could not say in what month, he met the deceased in the Hall-close. He took her for a travelling woman, and he ravished her—that was, he had concerns with her; but he did not lay violent hands upon. She had half a bottle of gin with her, which he took from her and drank; that was before he ravished her. He stayed with her about ten minutes, and then left her. In a few days afterwards he was married; had lived happily ever since, and never felt any uneasiness about this crime until the last two months; he made a similar statement to the constable, and said he was ready to suffer for his crime; and he subsequently told the chaplain of the gaol that what he had said before the magistrate was true. It was stated by the constable, in reply to questions from the learned judge, that he had heard that the prisoner had been considered insane by some persons, and that he had seen an order made out by the magistrates for his reception in the lunatic asylum. The witness, who had seen the deceased set out on the fatal night from her mother's house was recalled,

and said that he did not remember her taking a bottle with her; neither did it appear that any bottle was found near her in the close. Mr. Edward Tebbutt stated that his sister was not likely to have a gin-bottle with her, unless it was, that as his brother William was then a young housekeeper, his mother might send him little necessaries of that sort from time to time. There was not, he said, a more discreet, temperate, virtuous female in the whole county of Leicester than the deceased.

The prisoner, when called on for his defence, said that he did not say all what Murden had stated. There were two other men in the room at the time. Murden, he added, was a ranting preacher, and had told him that if he had committed the least sin and did not confess it, he never should enter the kingdom of Heaven, which was the way he had got it out of him.

Mr. Justice Park summed up the evidence.

The Jury deliberated for about ten minutes more, and then returned a verdict of *Not Guilty*.

## PUBLIC DOCUMENTS.

## I.—DOMESTIC.

*Representatives of the Executive Council of Upper Canada, (March 4, 1836.)—to HIS EXCELLENCY SIR FRANCIS BOND HEAD, K.C.H.,—&c.*

MAY it please your Excellency, The Executive Council, impressed with the oath they have taken to discharge the duties necessarily resulting from their appointment, "to advise the king and his representative in the government of this province," in the terms of the constitutional act, "upon the affairs of the province," deem it incumbent upon them most respectfully to submit the following representation:—

The Executive Council recognise the truth of the opinion expressed by Lord Glenelg, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of his Majesty's dominions." This unhappy condition they ascribe, in a very great degree, to the hitherto unconstitutional abridgment of the duties of the executive council. It appears from the proceedings of the House of Assembly, and from the reiteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of local government is al-

tered and conducted according to the true spirit and meaning of the constitutional act. The delay of this just and indispensable course has already excited in the great mass of the people a lamentable jealousy and distrust, and has also induced the discussion of constitutional changes, the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st George III., chap. 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition seldom passed under the review of the executive council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the constitution, as advisers upon public affairs. But, amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing, in their defence, any

participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium has been the perpetuation of the misbelief that the executive council are conversant with the affairs of the province upon which they are appointed to advise; and although an opposite practice has generally prevailed between former lieutenant-governors and their council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the executive council and their duties has been founded upon the terms of the 31st George III., chap. 31. to which statute the people used to express a firm attachment, an attachment which the council believe never would have been impaired had the constitution been administered either according to its letter or its spirit.

In several clauses of 31st George III., chap. 31, the executive council is mentioned in general terms. In the 34th clause the terms are, "together with such executive council as shall be appointed by his majesty, for the affairs of such province," and not, as it would otherwise have been expressed, "together with such executive council as shall be appointed by his majesty for that purpose." In the 38th clause the terms are "with the advice of such executive council as shall have been appointed by his Majesty, his heirs, or successors, within such province for the affairs thereof," and not, as it would otherwise have been expressed, "with the advice of such executive council as shall have been appointed by his majesty,

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his heirs, or successors, within the province for that purpose."

The same may be said of similar terms used in the latter part of the seventh clause.

With respect to which clauses it may be further remarked, that had it been contemplated that the executive council were to act only in the matters therein specified, the words "on the affairs of such province" might have been omitted, without in the least impairing the legal effect. In the construction, therefore, of this statute, the above expression cannot be treated as surplusage, but must be taken to impose the duty which it imports.

From the language of this statute, therefore, it appears—

1. That there is an executive council.
2. That they are appointed by the king.
3. That they are appointed to advise the king and his representative upon "the affairs of the province:" no particular affairs are specified—no limitation to any particular time or subject.

As the constitutional act prescribes to the council the latitude of "the affairs of the province," it requires an equal authority of law to narrow those limits, or relieve the council from a co-extensive duty.

Every representative of the king, upon arriving from England to assume the government of this country, is necessarily a stranger to it; and the law has provided for a local council as a source of advice, which, when given, is followed or not, according to his discretion.

In certain cases specified in the 38th clause of the 31st George III., c. 31, the concurrence of the coun-

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cil is required to give effect to certain executive acts. But these exceptions prove the general rule—viz., that while the advice is to be given upon the affairs of the province generally, it is only in the particular cases that it must harmonise with the pleasure of the crown, to give that pleasure effect. Indeed, if the law could be construed to limit the advice to the particular cases, it would follow that the council could not legally and constitutionally advise upon any others—a proposition which, besides its manifest repugnance to the terms of the act, is contrary to received opinion and usage.

But while the constitution has assigned to the council this duty, it is only to a very subordinate and limited extent that they have heretofore had opportunity afforded them to perform it. It is submitted that the exigency of the statute can only be answered by allowing the affairs of the province to pass under their review for such advice as their consciences may suggest, preparatory to the final and discretionary action of the king's representative upon those affairs.

The council meeting once a-week upon land matters, while the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the constitutional act as if the provincial parliament were summoned once a-year to meet the letter of the law, and immediately prorogued upon answering the speech from the throne. In both cases the true meaning and spirit of the constitutional act require that the Parliament shall have a general and practicable opportunity to legislate, and the executive council to advise, upon the affairs

of the country. In the former case, the representative of the king can withhold the royal assent from bills, and in the latter reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed or denied, because they need the expression of the royal pleasure thereon for their consummation.

The extent and importance of the affairs of the country have necessarily increased with its population, wealth, and commerce, and the constitution has anticipated the difficulty, by a division of labour and responsibility, from the active attention of the executive council to their duties. With the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the council collectively, it is recommended that the affairs of the province be distributed into departments, to the heads of which shall be referred such matters as obviously appertain to them respectively. Upon this principle (recognised by the existing constitution of this province and of the mother country), the people have long and anxiously sought for the administration of their government, under the representative of the king; and the council most respectfully, but at the same time earnestly, represent, that public opinion upon the subject is so fixed, and becoming so impatient, as to preclude the possibility of denying or delaying the measure, without increasing public dissatisfaction, and leading to the final adoption of other views, as already too universally manifested, uncongenial to the genius of the constitution, and most dangerous to the connexion with the parent state.

The remedy, it is feared, is now proposed too late for all the advantages desired; but the longer it is withheld, the more alienated and irreconcilable will the public mind become. The present comparative calm and thankfulness arise from a belief that the council will second this exigency, in establishing a system of government according to the principles recognised by the charter of the liberties of the country—an expectation which the council are most anxious to realise.

Should such a course not be deemed wise or admissible by the lieutenant-governor, the council most respectfully pray, that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them.

PETER ROBINSON.

GEORGE H. MARKLAND.

JOSEPH WELLS.

JOHN H. DUNN.

ROBERT BALDWIN.

JOHN ROLPH.

*His Excellency's Reply.*

F. B. Head.—The lieutenant-governor transmits to the executive council the following observations, in reply to the document which in council they yesterday addressed to him.

The constitution of a British colony resembles, but is not identical with, the constitution of the mother country—for in England, besides the House of Commons, which represents the people, there exists an hereditary nobility, the honours and wealth of which, as well as the interests of the established church, are represented by a House of Lords, while the sovereign (who, by law, can do no wrong) is surrounded by a ministry, upon whom devolves the

entire responsibility of the measures they suggest, and who are consequently removable at pleasure. But in the colonial portion of the British empire, which, however rising, is, generally speaking, thinly inhabited, the people are represented by their House of Assembly, which is gifted not only with the same command over the supplies as in England, but which possesses within the colony most of the powers of the British House of Commons. The legislative council is intended, as far as the circumstances of a young colony can permit, to resemble the British House of Lords; and if the lieutenant-governor stood in the place of the sovereign, and if like his majesty, he could do no wrong, it would evidently be necessary that a ministry, executive council, or some other body of men should be appointed, who might be responsible to the country for their conduct.

This, however, is not the case. His majesty delegates his sovereign protection of his colonies to no one, but he appoints a lieutenant-governor, who is responsible to him for his behaviour, who is subject to impeachment for neglecting the interests of the people, and who is liable, like the English ministry, to immediate removal; and the history of the British colonies clearly shows that there is no class or individual of his majesty's subjects to whose representation, prayer, or petition, the king is not most willing to attend.

The lieutenant-governor is, therefore, the responsible minister of the colony; and as not only his character, but his continuance in office, depends on his attending to the real interests of the people, it

would be evidently as unjust towards him that he should be liable to impeachment for any acts but his own, as it would be unjust towards the people that a responsibility so highly important to their interests should be intangible and divided. It is true his knowledge of the country is not equal to that of many intelligent individuals within it; but in government, impartiality is better than knowledge, and it must be evident to every well-constituted mind that in an infant state of society it would be impossible practically to secure a sufficient number of impartial persons to effect a change of ministry, as often as it might be necessary for the interests of the people to do so.

This difference between the constitution of the mother country and that of its colony is highly advantageous to the latter; for, as in all small communities private interests and party feelings must unavoidably be conflicting, it is better, as well as safer, that the people should be enabled to appeal in person, or by petition, to the lieutenant-governor himself, whose duty it is to redress their complaints, and who is liable to dismissal if he neglects them, than that they should appeal to a series of provincial ministries composed of various individuals.

To enable the lieutenant-governor to perform the arduous duties of his office, the constitution has wisely provided him with an executive council, competent to supply him with that local knowledge in which he may be deficient, and to whom he may apply for counsel and advice.

Before he intrusts himself to these gentlemen, they are, by order of his majesty, required

solemnly to swear, not only to give to the lieutenant-governor their best council and advice, but they are also sworn to secrecy.

Their individual opinions can never be divulged even to the king; and as a proof that his majesty does not hold them responsible for the acts of his lieutenant-governor, they can retain, and often do retain their office of sworn advisers, although governor after governor may have been dismissed.

The advantage of such a council to a lieutenant-governor is so self-evident, that he must be weak and self-sufficient indeed who does not continually have recourse to it; but although it strengthens his judgment, and confers dignity on his proceedings, yet in no way does it shield him from disgrace, should his acts be found contrary to the interests of the people. In such a case, it would be vain, as well as unconstitutional, for a lieutenant-governor to attempt to shield himself from responsibility, by throwing it upon his council; for by his oath he cannot divulge which of his advisers may have misled him. Supposing, for instance, that with the concurrent advice of his council he was illegally to eject by military force an individual from his land, the lieutenant-governor would be liable to arraignment, and whether he had acted by the opinion of the law officers of the crown—by the advice of his counsel, by information derived from books—or from his own erring judgment, it has been wisely decreed that the injured subject shall look to him, and him alone, for retribution, and that he, and he alone, is answerable to his sovereign for the act of injustice which has been committed.

Being, therefore, subject both to punishment and disgrace, it is absolutely necessary, as well as just, that the lieutenant-governor of a colony should have full liberty to act (though at his peril) in every case as he may think best for the interests of the people, according to the commands of his majesty, and of his majesty's ministers. To consult his council on the innumerable subjects upon which he has daily to decide would be as utterly impossible as for any one but himself to decide upon what points his mind required, or needed not, the advice of his council. Upon their sterling fund he must therefore constitutionally draw whenever embarrassment requires it, and on their part, if they faithfully honour his bills, however often he may present them, they conscientiously fulfil to their sovereign, to him, to their country, and to their oath, the important duty which they have sworn in secrecy to perform.

Having concluded the above outline of the relative responsibility of the lieutenant-governor and his executive council, as it regards his majesty's colonies in general, it may be observed with respect to this province in particular, that when his majesty, by conquest, first obtained possession of the Canadas, the government thereof devolved upon the military commander, until, by an act passed in the 14th year of George III., a council was appointed "for the affairs of the province of Quebec, to consist of such persons resident therein (not exceeding 23 nor less than 17) as his majesty, his heirs and successors, shall be pleased to appoint, which council so appointed and nominated, or the major part thereof, shall have power and

authority to make ordinances for the peace, welfare, and good government of the said province, with the consent of his majesty's governor.

This power of the council was further restricted by certain important limitations, specified in clauses 13, 14, 15, 16, and 17, of the said act: however, in the year 1791, a new act was passed, commonly called the Constitutional Act, because it settled the constitution of the Canadas, which were then divided into the Upper and Lower Provinces.

By this act the military domination of the general and his council was changed for a new and better system; and as evidently both could not exist together, the very first clause in the act declared—"That so much of the late act (14th George III.) as in any manner relates to the appointment of a council for the affairs of the said province of Quebec, or to the power given by the said act to the said council, or to the major part of them, to make ordinances for the peace, welfare, and good government of the said province, with the consent of his majesty's governor, lieutenant-governor, or commander-in-chief for the time being, shall be, and the same is, repealed."

The act then proceeds to state, "That there shall be within each of the said provinces, respectively, a legislative council and an assembly," the duties and privileges of which are minutely declared in thirty-three consecutive clauses; but in no part of the said act is an executive council directly or indirectly created; nevertheless, a vestige of the ancient one is for the purpose of a court of appeal (*vide* clause 34) recognised, with an

expression which seemed to intimate that an efficient executive council would very shortly be created.

For instance, in section 38, the governor is, by authority of his majesty's government, and with the advice of the executive council, "empowered to erect parsonages and rectories;" but in section 39 no mention whatever is made of the executive council, but, on the contrary, it is declared that the governor, or lieutenant-governor, or person administering the government, should present the incumbent "to every such parsonage or rectory."

In the fifty clauses of this act in question, the executive council, which in section 34 is merely described as "such executive council as shall be appointed by his majesty," is scarcely mentioned, and as regards even its existence the most liberal construction which can possibly be put upon the said act only amounts to this,—that as an executive council was evidently intended to exist, the remnant of the old one ought not to be deemed totally extinct until its successor was appointed.

However, this latent intention of his majesty to create a council for each of the provinces of his Canadian dominions was soon clearly divulged in a most important document, commonly called "The King's Instructions," in which an executive council was regularly constituted and declared as follows:—

"Whereas we have thought fit that there should be an executive council for assisting you, or the lieutenant-governor, or person administering the government of the said province of Upper Canada for the time being, we do by these presents nominate and appoint the

undermentioned persons to be of the executive council of our said province of Upper Canada," &c.

In subsequent clauses it was equally precisely defined upon what affairs of the province the lieutenant-governor was to act, "with the advice of the executive council," but with the view distinctly to prevent the new council being what the old one had been (which, indeed, under the new constitution was utterly impossible) — in short, to set that question at rest for ever, it was declared in section 8, "that to the end that our said executive council may be assisting to you in all affairs relating to our service, you are to communicate to them such and so many of our instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

The lieutenant-governor having now transmitted to the executive council his opinion of their duties, in contradistinction to that contained in their communication to him of yesterday's date, will not express the feelings of regret with which, under a heavy pressure of business, he unexpectedly received a document of so unusual a nature from gentlemen upon whom he had only recently placed his implicit and unqualified reliance.

But he feels it incumbent upon him frankly and explicitly to state, that to the opinions they have expressed he can never subscribe — on the contrary, that so long as he shall continue to be lieutenant-governor of this province, he will never allow his executive council officially to assume that heavy responsibility which he owes to

his sovereign, as well as to the people of this province, to whom he has solemnly pledged him f "to maintain the happy constitution of this country inviolate, but cautiously, yet effectually, to correct all real grievances."

The lieutenant-governor maintains that the responsibility to the people (who are already represented by their House of Assembly) which the council assume is unconstitutional,—that it is the duty of the council to serve him, not them; and that if upon so vital a principle they persist in a contrary opinion, he foresees embarrassments of a most serious nature: for as power and responsibility must, in common justice, be inseparably connected with each other, it is evident to the lieutenant-governor, that if the council were once to be permitted to assume the latter, they would immediately, as their right, demand the former; in which case, if the interests of the people should be neglected, to whom could they look for redress? For in the confusion between the governor, and an oligarchy composed of a few dominant families, shielded by secrecy, would not all tangible responsibility have vanished?

The council cannot have forgotten, that previous to their first meeting in the council chamber, which happened only a few weeks ago, the lieutenant-governor had assured them in a note (which was even publicly read in the House of Assembly), that although he had no preliminary conditions to accede to, or to require, it was his intention to treat them with implicit confidence; and the council must also remember how willingly they approved of the very first suggestion he made to them—

namely, that no important business should be commenced in council until they as well as the lieutenant-governor himself had become mutually acquainted with their respective duties.

The lieutenant-governor assures the council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the principles they have avowed, he begs that on his account they will not for a moment hesitate to do so.

*Government House, Toronto,  
March 5, 1836.*

**SPEECH OF THE GOVERNOR OF UPPER CANADA, TO THE LEGISLATURE OF THE PROVINCE.** (*From the Upper Canada Gazette Extraordinary*, dated Toronto, WEDNESDAY, Nov. 9,) *Tuesday, Nov. 8.*—This day, at 3 o'clock his excellency the lieutenant-governor proceeded in state to the legislative council-chamber, and being seated on the throne, the gentleman usher of the black rod was sent to direct the attendance of the Commons' House of Assembly at the bar of that honourable House, who being come thereto—

The hon. the Speaker of the legislative council said, it was his excellency's command they should repair to the usual place of sitting, and there choose a fit person to be their Speaker; and that the person so chosen be presented for his excellency's approbation on the following day.

The House then withdrew.

*Wednesday, Nov. 9.*—The House of Assembly being again assembled at the bar of the honourable the Legislative Council, Mr. Archibald M'Lean informed his excellency that the House of Assembly had chosen him for their Speaker, and claimed the usual privileges.

His excellency the Lieutenant-governor was pleased to approve of the choice of the House of Assembly, and then addressed both Houses of the Provincial Parliament in the following speech:—

*Honourable Gentlemen of the legislative council, and Gentlemen of the House of Assembly,*

“With great satisfaction I congratulate you on the loyal feeling which pervades this province, and on the stillness and serenity of the public mind.

“The auspicious tranquillity of the country offers you advantages which the legislature of Upper Canada has long been unhappily deprived of, and I gladly avail myself of the opportunity to bring before your grave consideration some of those subjects which the country has now reason to expect will be met by its legislature with a firm determination to bring them to a final settlement.

“The most important of these is the long-disputed question of the clergy reserves.

“I invite your serious attention to this subject, in the full confidence that by moderation and sound discretion you will overcome the obstacles that have hitherto attended its discussion.

“The beneficent intentions of his majesty in granting a charter of incorporation to the University of King's College have hitherto been unproductive of no useful result.

“In calling your attention to this fact, I trust, that the province will shortly be indebted to your deliberations for possessing within itself the means of bestowing upon youth the inestimable blessings of a refined and liberal education.

“The disposal of the school lands, and the promotion of general education, are so intimately connected with the future destinies of this colony, that I feel confident they will suggest themselves to your early consideration.

“The term which intervenes between the courts of oyer and terminer in this province—the consequent crowded state of the gaols—as well as the length of imprisonment suffered by persons charged with crime, are evils which I deeply lament, and I trust you will determine whether, by an increase to the present number of judges they would not be effectually removed.

“Having been made aware that cases of neglected misery and distress have long existed within the province, from the want of some place of public refuge for those of our fellow creatures to whom, in his divine Providence, the Almighty, by depriving them of reason, has given peculiar claims upon our care, I feel satisfied that the necessity of establishing a provincial asylum for lunatics need only be suggested to receive your benevolent consideration.

“I feel it my duty to call your attention to the advantages which would be derived from opening communications by which the agricultural produce of this province might readily be brought to a market.

“Among various improvements of this nature, a great western railroad will no doubt claim your

favourable notice, as being of infinite benefit to this province, as well as promoting our friendly intercourse with the neighbouring states.

"I also recommend to your consideration an immediate inquiry into the state of the Welland Canal.

"I regret to say that, under existing circumstances, it may not be deemed advisable to commence negotiations with the adjoining province for the improvement of the navigation of the Ottawa, but I recommend to your consideration the propriety of causing a survey and accurate estimate to be made of the expense of connecting the waters of that noble river Lake Huron with the Ocean.

"Having during the recess of the legislature given considerable attention to the neglected state of the roads throughout the province, I beg you to consider whether some efficient system might not be devised for placing them under a superintendence, to be held responsible, that the statute labour as well as the large sums of money annually voted for their repair should be scientifically, economically, and impartially expended.

"I have to inform you, that for the purpose of encouraging immigration, I have recommended to his majesty's government that such portions of the military reserves as are not required for defence should as early as possible, be offered to the public. I also hope to be authorised to adopt a quicker, more convenient, and more beneficial system, in the land-granting department; and I am happy to add, that I have concluded negotiations by which I have obtained from the Indians very extensive tracts of rich land, which, from feelings highly creditable to their race,

they have cheerfully relinquished for the public good.

"As the constitution of Upper Canada secures to British emigrants their own revered institutions—as this noble climate and luxuriant soil offer them immediate independence and support, with a moral assurance that their land, whether it be cultivated well or ill, must in a few years unavoidably increase in value to a great extent—we may reasonably expect that the redundant enterprise, capital, and population of the empire, will now flow towards this favoured province, in which I conscientiously believe British capital to be as secure as it is in the mother country.

*"Gentlemen of the House of Assembly,*

"I trust you will take immediate measures for relieving the government of this province from the embarrassment it has laboured under, and is still suffering, from the supplies for the public service having been withheld.

"I shall direct the public accounts, together with estimates for the sums required for the support of the civil government, for the current and ensuing years, to be laid before you.

*"Honourable Gentlemen, and Gentlemen,*

"I feel confident that the distinguished and conspicuous station which the people of Upper Canada have attained in the estimation, not only of the empire, but of the civilized world, will, throughout the session we this day commence, be firmly upheld, by the dignity of your deliberations, by the wisdom of your proceedings, by the purity of your legislation, and by your unceasing zeal for the public good.

"As regards the duties of my station in the legislature, it is my

intention, so long as they may graciously be confided to me, to occupy myself to the best of my ability in the internal improvement of the country, in the impartial administration of justice, and in maintaining unsullied the commercial integrity of the province.

The constant obedience which the British constitution demands for its sacred institutions, educates and dignifies the public mind—the moral discipline of their passions, organises the power of the people, and eventually implants in the national character justice, mercy, generosity, and forbearance.

“It has long been asserted that these British sentiments, which would vegetate in the deserts of Arabia, are uncongenial to the soil of America; but the voice of Upper Canada has repudiated this libel on the land, and both reason and truth are now daily demonstrating, that the safest description, of self-government, the surest mode of protecting life, property, and liberty, is that honourable submission and virtuous obedience to the laws, which the three branches of the legislature, as well as the people of this province, I trust, will ever continue to be proud to acknowledge.

“The legislature of Upper Canada is not imbued with power to alter the constitution imparted to it by an Act of the Imperial Parliament. I, therefore, shortly after my arrival here, publicly declared, that if the inhabitants of the whole Province, were simultaneously to petition me to alter a single letter of that solemn act I had neither power nor inclination to do so.

“Grateful for the manly support which the expression of this senti-

ment has procured for me, I feel it my duty again unequivocally to assure you of my determination to carry into effect his Majesty's instructions, and thus ‘to maintain the happy constitution of this province inviolate.’”

“*To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c.*

“May it please your Excellency,

“We, his majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial parliament assembled, humbly beg leave to thank your excellency for your gracious speech, from the throne, at the opening of the present parliament; and to assure your excellency that we view with sincere gratification, the present tranquillity of the province, and will most readily embrace the opportunity afforded to give due consideration to those subjects especially, which the welfare of the country requires should be finally settled.

“We will devote our serious attention to the important question of the clergy reserves, and endeavour, by every means in our power, to overcome the obstacles which have hitherto prevented its final and satisfactory adjustment.

“We regret that no useful result has hitherto attended the beneficent intentions of his majesty in granting a charter of incorporation to the University of King's College, and we cordially concur in the hope expressed by your excellency, that the province will shortly possess within itself the

means of bestowing upon youth, the inestimable benefits of a refined and liberal education.

"Deeply sensible of the importance of promoting general education, we will not fail to give the subject our early consideration, and by a judicious disposal of the school-lands, and the adoption of other efficient measures, will endeavour to secure to the inhabitants of this province this invaluable advantage.

"We are fully aware of the evils and inconveniences resulting from the long period which intervenes between the courts of Oyer and Terminer in this province, and will carefully consider your excellency's recommendation on the subject of increasing the number of judges.

"We will not fail to give every attention to the suggestions of your excellency, on the subject of establishing a provincial asylum for lunatics, and will endeavour to alleviate the misery of those unhappy and friendless individuals who, deprived of reason, and without protection, are suffering from the want of some place of refuge.

"We are fully sensible of the advantages to be derived from opening communications by which the agricultural produce of this province might be readily brought to market, and will give our most favourable consideration to the construction of a great western railroad, or to such other internal improvements, as will both benefit the province and promote a friendly intercourse with the neighbouring states.

"We will not fail to institute an immediate and careful inquiry into the state of the Welland-canal, with a view to ascertain how that important work may be rendered

most available for the great objects for which it was commenced, and which it is calculated to effect.

"We concur with your excellency in the expression of regret that there are existing circumstances to prevent the immediate negotiations with the adjoining province for the improvement of the navigation of the Ottawa, but in the sincere hope that any such difficulties may speedily be removed, we will devote our attention to the recommendation of your excellency, as to the propriety of causing a survey and accurate estimate to be made of the expense of connecting Lake Huron with the ocean.

"We will devote that attention to the adoption of an effectual system for the maintenance and repair of the public highways in this province, which the important bearing of the subject on the interests and prosperity of the community demands.

"Alive to the advantages resulting from the emigration of our fellow subjects from Great Britain and Ireland, and their settlement among us, we are happy to learn that your excellency has recommended measures to his majesty's government calculated to give encouragement to it, and sincerely hope that no time will be lost in the adoption of an improved system in the land-granting department.

"As the Constitution of Upper Canada happily secures to British emigrants their own rev red and cherished institutions — as this noble climate and luxuriant soil offer them immediate independance and support, with a moral assurance that their land must in a few years unavoidably increase in value to a great extent — we reasonably hope, and will earnestly

endeavour to attract the redundant enterprise, capital, and population of the empire, by setting before them these solid advantages in the most prominent and conspicuous manner; and it is but natural for us to expect that capital and industry will now flow towards this favoured province, in which we agree with your excellency in the conviction that such capital is fully as secure as in the mother country. And while happy to learn, that extensive tracts of rich land have been obtained from the Indians (whose liberal motives and feelings on the occasion we fully appreciate), we cannot refrain from expressing our anxious wish that these lands may be thrown open to settlement, upon terms of the most favourable nature for those who desire to become residents upon them.

"We will give our prompt and careful attention as well to the public accounts as to the estimates of the sums required for the necessary support of the public service, as soon as the sums are laid before us, and will not fail to take into our immediate consideration measures for relieving the government of this province from the embarrassment it has laboured under, and is still suffering, from the supplies for the public service having been withheld.

"We most sincerely hope that the important trust reposed in us by our constituents will be discharged in a manner calculated to

raise the province in the estimation of the British empire, and to secure to it those advantages which we have hitherto derived from its fostering care and protection.

"The principles of our constitution, in the maintenance of which consists the safeguard of our lives, liberties, and property, are identical with those of the constitution of the mother country, and if maintained in their purity, cannot fail to produce peace, prosperity, and good government.

"We are fully satisfied, that the people of this province desire nothing more ardently than to see those principles supported, and the connexion with the British empire sustained; and we therefore cordially respond to your excellency's determination to maintain this, our happy constitution, inviolate. Protected from external danger by the overshadowing power of the mother country, and free to pursue any measures calculated to promote our internal welfare and improvement, we feel that there is a course before us leading to the most auspicious results, and that the time has arrived, when, preserving our character as a loyal British province, our institutions may be settled on a firm basis—our resources developed—all well-founded causes of complaint removed—and peace and prosperity secured for us and our posterity.

"ARCHIBALD M'LEAN, Speaker,  
*Commons House of Assembly,*  
 Nov. 15, 1836.

LOWER CANADA.—PETITION OF THE HOUSE OF ASSEMBLY TO THE KING IN COUNCIL.

*“ To the King’s Most Excellent Majesty.*

“ May it please your Majesty, —We, your majesty’s faithful and loyal subjects, the Commons of Lower Canada, in provincial parliament assembled, humbly approach your majesty’s throne, for the purpose of expressing once more, in the name of the people we represent, our firm, though respectful opinion of the necessity of the reforms we have so often prayed for, in the constitution of this province, and of the redress of the grievances and abuses which have prevailed therein. We seize the same occasion to make known our sentiments with regard to a portion of the recent views and determinations of your majesty’s government, in so far as it has been possible for us to become acquainted with them. We pray your majesty to believe in our sincerity,

“ When we solemnly repeat, that the principal object of the political reforms which this House and the people of this province have, for a great number of years, used every effort to obtain, and which have frequently been detailed to your majesty, is to extend the elective principle to the legislative council, a branch of the provincial legislature, which, by its opposition to the people, and by reason of its imperfect and vicious constitution, has proved insufficient to perform the functions for which it was originally created; to render the executive council directly responsible to the representatives of the people, conformably to the principles and practice

of the British constitution as established in the United Kingdom; to place under the wholesome and constitutional control of this House the whole public revenue raised in this province, from whatever source derived; to obtain the repeal of certain acts passed by the parliament of the United Kingdom (in which the people of this province are not represented), with regard to the internal affairs of this province, making its territory and best resources the subject of unfair speculation and monopoly, and which we hold to be a violation of the rights of the legislature and of the people of this province; to ensure equal rights and impartial justice to all classes of the inhabitants of this province; to abolish sinecures and the accumulation of incompatible offices; to redress the numerous abuses which prevail in the various departments of the public service; to obtain for the provincial legislature, with regard to the internal affairs of the province, and more especially over the management and settlement of the waste lands thereof, for the benefit of all classes of your majesty’s subjects, without distinction, that essential control which would be the direct consequence of the principle of the constitution. When, we say, we respectfully repeat to your majesty these our demands, and declare our firm intention to persevere in asking them, as being alone calculated to insure the liberty, peace, and welfare of this province, and the confidence of the people in the government, and to cement their political union with

the united empire, we can scarcely fear that we should not be understood by your majesty,

"We are bound, in the first place, to thank your majesty for having recalled the head of the executive government, and for having appointed as his successor a distinguished personage, who, independently of his qualifications as an individual, of which we have no motive for doubting, was, from his previous habits and position, more likely to comprehend our wishes and our wants.

"At the head of the reforms, which we persist in considering as essential, is the introduction of the principle of popular election into the constitution of the legislative council. The people of the country, without distinction, regard this body, as at present constituted, as factiously opposed to its institutions, its state of society, its feelings, and its wants, and as having been, and as being, necessarily the strong-hold of oppression and abuses. They continue, in like manner, to believe that any partial reform which shall stop short of the introduction of the elective principle, will be altogether insufficient, and will, as leaving the inherent vice untouched, bring back the same evils and the same collisions. We think, that with regard to the constantly baneful action of the legislative council, we have amply explained ourselves to your majesty, and that no other proof than the past and present acts of that body is needed to remove all doubt as to the nature and spirit of the improvements to be introduced into it. We look, in this respect, upon the act of 1791, giving legislators for life to the Canadian provinces, at the mere pleasure of the executive

authority, as an unfortunate experiment, followed by most unhappy consequences. We also look upon this experiment as entirely foreign to the British constitution.

"We are not ignorant that some individuals interested in the maintenance of bad government, and accustomed to a system of ascendancy and domination, pretend that harmony might be established between the constituted authorities in this province, by introducing in its territorial limits, or in the representation of the people, violent changes of which the sole end would be to deprive a numerous portion of your majesty's subjects of a due participation in the advantages of the constitution, and to establish invidious political preferences, as a prelude to the subversion of the institutions of the province, at the very time when your majesty's government is proclaiming principles of equal justice to all, and acknowledges the excellence of our institutions. We rely too much on the honour of the government to believe in the possibility of attempts which would destroy all ties that bind the people to great Britain, and would force them to regret their allegiance.

"Respecting, as we do, the expression of the royal pleasure, we yet regret that the ministers of the crown should have declared that your majesty was most unwilling to admit, that the question of an elective legislative council was a subject open to debate in this province. We beg to be permitted to represent to your majesty, that it is not within the province of the colonial secretary to limit the subjects which are to engage the attention of this house and the people it represents within the required forms, with the view

of improving the laws and condition of the province. Against this infringement of the liberties of the subject, by one of your majesty's responsible servants, we dare to appeal to the supreme authority of the empire, to that of your majesty, sitting in your high court of parliament.

"We have also asked, and we now again ask, for the repeal of certain noxious acts, of which the people of the country have complained. We wish, among others, to mention the act of the 6th year of our late sovereign, George 4th, your majesty's royal brother, chapter 59, commonly called the 'Tenure's Act,' and also the more recent act granting certain privileges to a company of individuals residing chiefly in London, whose object is to make the lands of this province a subject of speculation. With regard to the former of these acts, its nature and its effects, our complaints have been so detailed and so numerous, that we shall abstain from repeating them. We shall only add, that recent decisions of the superior tribunals of the country have refused any validity to the proceedings of the pretended court of escheats, established by the said act, which has, in fact, merely served as a pretext for creating several sinecures, paid out of the public revenue of this province, and which we have not recognised and will never recognise.

"Your majesty cannot but know that the climate of this portion of the world, and other peculiar causes, render the clearing of lands in order to bring them under cultivation, one of the chief resources of the surplus population of the old settlements, and the surest mode of investing the very moderate capital

possessed by the people of the country. The resources which the waste lands would afford in point of revenue, under a wise system of management established under the authority of the provincial parliament, would be equally necessary as a provision for the support of your majesty's provincial government, and for the completion of the numerous local improvements made requisite by the increase of the population, the emigration from the United Kingdom, and the state of a rising country. These resources are so important in both these respects, that if left to the unrestrained disposal of the executive, they would destroy the constitution, purchase the adherence of men made powerful by the authority vested in them, and give the administration ample pecuniary means equivalent to the other revenues of the province, and consequently the power of governing arbitrarily in defiance of the authority of the legislature. We state, as a fact, that such has been in effect the system which has prevailed in this province, and has been an inexhaustible source of evils and abuses. We attach so much importance to this subject, that we are firmly of opinion, that without the legislative and constitutional authority of the provincial parliament over the lands of the provincial domains, and the revenue arising from them, the power vested in the legislature to make laws for the peace, welfare, and good government of this province, would be altogether nugatory.

"We, therefore, pray your majesty to be pleased to recommend to parliament the repeal of the said act passed in favour of the land company, and also that it may please your majesty to adopt

legal means for annulling all the undue privileges incompatible with the rights of this province, which is the object of the said act to confirm, or of which it may have been the source. We also humbly pray your majesty to be graciously pleased, with regard to the matters relative to the public domain and the lands of this province, to recognise the rights of its legislature and of your faithful subjects therein, to the end that we be no longer prevented from labouring as a part of that legislature, and with the consent of your majesty as the first branch thereof, to render available all the resources of the country for the support of your government therein, and for the equal benefit of all your subjects who inhabit this province, or may come to settle in it, and more especially to ensure to all without distinction the means of settling on the waste lands under an easy system, and on such conditions as shall be found most advantageous.

“On the subject of the independence of the judges, we see with pleasure that there exists no difference between the views of his majesty’s government and our own. We regret that our efforts to carry these views into effect have been misunderstood. . . .

“What we have now said will suffice to show your majesty what our views are, with regard to the politics of the colony as a whole, to the functions and powers which we believe to belong to the provincial legislature on all matters relative to the internal affairs of the colony, and with regard to what we conceive to be the best means of insuring activity, efficiency, and responsibility in the public service. . . .

“It remains for us to address

your majesty on an important and extensive subject—the public revenue and expenditure of this province. We humbly thank your majesty for the gracious declaration, that your majesty is disposed to admit the control of the representatives of the people over the whole public revenue raised in this province. We regard the fulfilment of this promise as of the highest importance. In stating explicitly in the preceding portions of this address, the rights which we humbly believe to belong to the legislature of this province, with regard to certain parts of this revenue, we wish to present the subject in its true point of view, in order that no misconception may hereafter retard the desired result. In the proposals which it may please your majesty to make to us, for the purpose of attaining this result, it is impossible that your majesty should lose sight of the essential principles of the constitution, or of the declaratory act of 1778, to the benefit of which, we believe, the people of this country are peculiarly entitled. We shall receive with respect, and examine with the most scrupulous attention, any communication which your majesty may be pleased to make to us tending to the settlement of the financial questions.

“We humbly represent to your majesty that the people of this province, tired of the continued struggle in which they have been so long engaged to obtain the recognition of their rights on the part of the metropolitan and colonial authorities, would regard with painful apprehension the possibility of the recurrence of the same state of things, and of the necessity of making new sacrifices for the purpose of laying these complaints

before your majesty and parliament. We wish for a government which shall assure us freedom and security; the unrestricted effect of your majesty's declarations can alone confer it on us; and it will be when we possess it, and can entertain a hope of the removal of the grievances and abuses we complain of, that we can properly consider the means of giving effect to your majesty's wishes with regard to an appropriation of a permanent nature.

"In the position in which we are placed, and however unjust the projects of the colonial-office may appear, it is yet our wish to give your majesty a proof of our desire for conciliation and peace. We have expressed our regret that according to the extracts from despatches above cited, even the temporary arrangement suggested by your majesty's representative cannot take place unless this house virtually admits the control of the executive over the funds which we believe to belong to us; nor unless these funds remain hereafter, as they have done heretofore, and for a term of which it is impossible to ascertain the extent, subject to charges created by the mere authority of the executive, and which it regards as permanent. We are, however, resolved to neglect nothing which can afford to your majesty and your parliament an opportunity to do us justice, and to the present administration of this province, the means of effecting such reforms as the vices of the system permits, and we have determined to provide for the expenses of the provincial government for a limited time, regard being had to the circumstances attending the several items, and the resources of the country. We pray that your majesty will

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attribute the manner in which we shall endeavour to give effect to the decision we have thus come to, solely to our sincere desire to obtain a better government, and not to any abandonment of the principles we have supported; and that your majesty will not allow it to be made a subject of reproach to us, when we may again hereafter insist on these principles.

"Wherefore we respectfully intreat your majesty to listen favourably to our humble prayers, and, as well by the exercise of the august powers which belong more especially to your majesty, as jointly with the parliament of the United Kingdom, to render full justice to your faithful subjects, and to deliver them from the system of oppression and bad government, which, through the colonial ministers, have so long weighed heavily upon them. And by inclination led, as well as by duty bound, we shall ever pray for your majesty's sacred person.

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LOWER CANADA.—*Parliament of Lower Canada. House of Assembly, Tuesday, September 27, 5 o'clock p.m.*

Gosford, governor-in-chief.

In pursuance of the intention expressed in his speech at the opening of the present session, the governor-in-chief transmits to the House of Assembly a copy of the answer which the king has been graciously pleased to return to the address on the state of the province, voted to his majesty by the assembly during their last session, together with a copy of the instructions under which the governor-in-chief assumed the government of the province, and of

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those addressed to himself and his colleagues in the royal commission.

Castle of St. Lewis, Quebec,

Sept. 27, 1836.

(No. 87.)

“Downing-street, June 7, 1836.

“My lord,—His majesty having had under his consideration the address of the House of General Assembly of Lower Canada on the state of public affairs in that province, has commanded me to convey to the House, through your lordship, the following answer:—

“The king contemplates with great regret the ill success of his majesty's efforts to remove from the minds of the representatives of the people of Lower Canada those distrusts and jealousies with which they appear unfortunately to have been affected. Conscious, however, that his measures have been dictated by an earnest solicitude for the welfare of all classes of his Canadian subjects, unmixed with any motive of a less just and liberal character, his majesty awaits with tranquillity the result of this long and painful discussion, assured that when the misconceptions of the moment shall have passed away, his labours for the prosperity of Lower Canada will be repaid by the confidence of the inhabitants of that province, of whatever class or national origin.

“His majesty is sustained and encouraged in these hopes by observing that the House of Assembly were led to grant the supplies only for six months, and to prefer their present complaints apparently in consequence of the publication of some detached passages from my despatch of the 17th of last July, on which passages the house have founded the remark, ‘that the researches authorised by his majesty for the purpose of as-

certaining the means of doing justice to his Canadian subjects were, on several of the most essential points, limited by pre-conceived opinions and anticipated decisions.’ This supposition, even if it had received any countenance from the insulated extracts from my instructions to you and your colleagues in the Canada commission, which were brought under the notice of the House of Assembly, would have been entirely removed if the house had been in possession of the whole of those instructions. They would have found not only that the general tenour of those instructions favoured an entire freedom of inquiry and judgment by the commissioners, but that the most unequivocal language had been studiously employed for the express purpose of counteracting the opposite opinion. I know not how it would have been possible to have expressed his Majesty's gracious intentions in terms stronger or more unambiguous. In my despatch of the 17th of July last, I stated, that although your duties as commissioners would be exclusively to inquire, to deliberate, and to report, yet within the sphere of that duty you were placed under no restrictions, excepting such as the necessity of the case or your own judgment might prescribe.

“I concluded my instructions by ‘disclaiming the remotest intention of fettering your discretion, or of restricting in any degree the exercise of your own judgments, either as to the subjects of inquiry or the opinions at which you might arrive.’ I observed, that in the course of your investigation new topics would occur to you, and new views of topics already familiar would present themselves. ‘You will not,’

I added, 'on any occasion, or for any reason, shrink from the explicit declaration of your sentiments. You will not decline any inquiry the prosecution of which may promise benefit to the colony or to the mother country.' If the whole of my despatch of the 17th of July had been before the House of Assembly, they would have found in these and in other passages, a sufficient disproof of the supposition that your inquiry was limited by any preconceived opinions or anticipated decisions.

"It is indeed true, that in approaching this subject, I recorded reasons which strongly enforced the closest possible adherence to the existing constitution of provincial government. In every part of his extensive dominions, it has been the constant object of his majesty to correct real abuses, and to introduce such improvements as the existing state of society, and the deliberate voice of public opinion, have appeared to demand. But to reconcile necessary changes with the stability of political and social institutions has been no less an object with his majesty. At once to reform, in the spirit of the constitution, and to oppose changes conceived in a contrary spirit, is a duty which the king will never shrink from avowing his intention to fulfil.

"In conformity with this rule, you were directed to 'apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the legislative council has really answered the original objects of its institution, and considering of what amendments it may be susceptible;' you were also informed, that 'when your report should have been received, his majesty would take into

his most serious consideration the question, whether there are any amendments in the law on this subject which it would be fit to propose for the consideration of the imperial legislature; and which, being founded on the principles and conceived in the spirit of the act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers.' If it be inquired what definite meaning is to be attached to the terms which I have thus employed, I answer that the principle of the constitution of 1791 is, that there shall be two distinct and independent houses of legislature. Adhering to this general principle, it remains for your lordship, and your colleagues, acting on the instructions addressed to you as commissioners, to inquire how the most effectual means can be taken for securing such a legislative council as shall at once enjoy a due share of public confidence, and a full exercise of an enlightened and independent judgment on all matters submitted for its consideration.

"The fears of some and the hopes of others have played a more narrow construction on the extracts from my despatch of the 17th of July. In disavowing that meaning, I make no new concession, but simply adhere to the views which I was honoured by his majesty's commands to express before. Such as the intentions of his majesty's confidential advisers were on this subject in July last, such they still continue.

"The address further advances a complaint connected with the executive government of Lower Canada, a complaint which does not find a place either in the ninety-two resolutions of 1834,

or in any of the earlier addresses or votes of the House of Assembly. The house now, however, states the necessity of establishing in the province what is termed 'a responsible and popular government.' Understanding these expressions in their obvious sense, his majesty is happy to declare, that they do not advance beyond the principles by which it is his pleasure and command that the executive government of Lower Canada should be administered. It is his majesty's desire and injunction that full and early explanations should be afforded to the representatives of the people of all important measures adopted by the government; that the assembly should enjoy the most ample opportunity of explaining both to the king himself, and to his majesty's representative in the province, their opinions and their wishes respecting every such measure; that the imputed misconduct of any public officer, with the exception, of course, of his majesty's representative, the governor, who must be responsible directly to the king and the imperial parliament, should be closely and impartially investigated; that means should be devised for bringing to trial and punishment, within the province itself, every such officer to whose charge any malversation in office may be laid; and that effectual security should be taken for the zealous co-operation of all subordinate officers in every measure advised by the legislature and sanctioned by the king for the general welfare of his majesty's subjects. The address of the assembly calls upon his majesty to recommend to parliament the repeal of the British statute re-

specting the tenures of land in Lower Canada. If the house had been in possession of my despatch of the 17th of July, they would have probably waved their application; they would have been aware that the reluctance of the king to recommend to parliament any measure which could be plausibly represented to be an unnecessary interference with the internal affairs of the province, is the single obstacle to the introduction of a bill on that subject.

"The address proceeds to demand the repeal of the act, and the revocation of the charter under which the British North American Land Company is incorporated, and the resumption of the lands which have been sold to them. I shall not, I trust be thought forgetful of what is due to the privileges and dignity of the house, if I do not shrink from the avowal of any opinion deliberately entertained by the ministers of the crown, though it be not in accordance with the sentiments of the representatives of the Canadian people. I must therefore state, that his majesty's government cannot proceed to the consideration of the question raised by the assembly respecting the British North American Land Company, unless it can first be established in the course of law that the claim of the company to their corporate character, and to their lands, is invalid. No consideration, however urgent, of temporary or apparent expediency—not even the desire to conciliate the goodwill of the assembly of Lower Canada, than which no motive can be of greater weight—could reconcile his majesty to a measure the principle of which

would endanger the foundation of all proprietary titles, and all socialties.

"The remaining topics embraced in the address require on the present occasion no very lengthened notice, because, when attentively considered, that document does not appear to advance any principle respecting them essentially different from those which are admitted or maintained in my despatch of the 17th of July. Respecting judicial independence, the assembly frankly admit the entire coincidence between the opinions of his majesty's ministers and their own.

"With regard to the settlement and management of the uncleared lands, and to all questions of finance, I trust I am not mistaken in supposing that no essential difference in principle exists between the sentiments contained in the address, and those expressed in my despatch of the 17th of July.

"And now, referring to the preceding remarks, I conceive myself entitled to state, that there did not exist during the last session any real or substantial difference of opinion between the ministers of the crown and the House of Assembly on any question regarding which his majesty's government felt at liberty to take any immediate proceedings. No single complaint had been alleged which had not been either promptly removed or made the subject of impartial inquiry. No mal-administration of the affairs of the province was imputed to your lordship. Without any actual controversy with the executive government, the house, however, declined the compliance with the proposition to provide for the

arrears and the supplies pending the inquiry.

"His majesty does not deny that this is a power that the law has intrusted to the representatives of the people. But he cannot admit that on the present occasion the recourse to the exercise of that power can be attributed to any indisposition on the part of his majesty to accord the fullest measure of justice to his Canadian subjects.

"On a review of all the circumstances of the case, his majesty's government are led to the conclusion that the course pursued by the house is to be ascribed to the misapprehension of the tenour of your lordship's instructions, induced by the publication of a few detached passages from them. Your lordship will therefore communicate to the house a complete copy of those instructions, and will renew your applications for the arrears now due to the public officers, and for the funds necessary to carry on his majesty's service.

"I have the honour to be, my lord,

"Your most obedient servant,

"GLENELG.

"To the Earl of Gosford.

"A true copy, S. WALCOTT.  
Civil Secretary."

#### HOUSE OF ASSEMBLY.

FRIDAY, SEPT. 30.

The house went into committee on the state of the province and other references, and passed an address to his excellency, which was reported and concurred in.

THE ADDRESS AS AGREED TO.

To his Excellency the Right Hon. Archibald, Earl of Gosford, Baron Worlingham of Beccles,

in the county of Suffolk, Captain-General and Governor-in-Chief, in and over the Provinces of Lower Canada and Upper Canada, Vice-Admiral of the same, and one of his Majesty's most Hon. Privy Council, &c.

May it please your Excellency, —We, his majesty's faithful and loyal subjects, the Commons of Lower Canada, in provincial parliament assembled, respectfully approach your excellency for the purpose of further replying to certain parts of the speech, which it pleased your excellency to deliver at the opening of the present session; also, to a despatch from his majesty's principal secretary of state for the colonies, dated Downing-street, 7th of June, 1836, which, with various documents, you were pleased to cause to be laid, according to promise, before us.

Referring to our address to his majesty on the state of the province, dated the 26th February, 1836, we assure your excellency, as we have already done on a recent occasion, that it contained the faithful expression of the views, opinions, and wants of this house, as well as of the people whom it represents. We have not as yet been able to discover any misconceptions, or any misunderstanding on our part, of a nature to change the views which we have entertained on the divers subjects treated therein, or suggest other means for their accomplishment. We still believe it to be our duty, as well as for the advantage of the people, to persist in the same demands, in the same declarations, and particularly in the demand of an elective legislative council. Our opinion on the

position of the country at the present epoch, as expressed in our answer to your excellency, dated the 24th of this month, will show how ill justified we should have been in departing therefrom. We trust that his majesty's government will not, after mature deliberation, entertain any doubt as to the correctness of our statements and assertions, particularly of the necessity of changing, conformably to the prayers of this house and of the people, a branch of the legislature which has, with narrow and self-interested views, and moved by party spirit, interposed itself, of late, more than ever between the country and the metropolitan state, and destroyed all our attempts to aid in the reparation of abuses, and by causing the result of our labours to reach the foot of the throne, to enable his majesty's government to confirm us in the belief of the sincerity of its intentions and promises. We respectfully submit, that although the evils and grievances which oppress the country, have not been caused by us, we have spared no means to terminate the same: those efforts have all failed in that branch, and we are firmly convinced that all measures of a just and liberal nature will hereafter constantly fail therein. The remedy is within the reach of his majesty's government. We shall see it applied with the most lively satisfaction, and, however sincere may be his majesty's desire to witness the entire removal of the grievances of the country, we can furnish in proof of a desire equally sincere on our part, the manner in which we promised, in our address above mentioned, to welcome the reforms which we still respect, and the spirit of liberality and

concession which accompanied that expression of our hopes.

There is, in the more recent dispositions of the government in reference to the full and unrestrained exercise of the rights of this legislature, a point which bears essentially on the character of the present legislative council, which we pray his majesty not to lose sight of; that is, that although in principle, his majesty's intention of leaving to the provincial legislature the repeal of certain injurious laws, and the adoption of new provisions favourable to the institutions and to the liberties of this province, in whatever concerns its particular interests, be constitutional in its nature, and a wise acknowledgment even of the principle of our position, the effect thereof has been and will be practically impossible, in consequence of the anomaly which the existence of the said legislative council has created in the legislature of this province. And we express our constant and unalterable conviction, guided by the principles of the constitution itself, and a long and sorrowful experience, that this state of violent opposition cannot be changed until the principles of popular election shall be introduced into the constitution of the said council, so as to have a second distinct branch agreeably to what the existing state of society, and the deliberate voice of public opinion require, and which shall enjoy at once a due share of public confidence and the full exercise of an enlightened and independent judgment — a result so much to be desired, that, in the said despatch, the ministers of the crown have found therein one of the essential principles of the act of 1791. We, therefore,

dare to flatter ourselves that the pretensions and errors of the past will be forgotten, and that this great question will be considered in its full extent, in its connexion as well with the principles as with the practice of the constitution, and not as regards peculiar reluctances or pre-conceived opinions respecting which it has pleased his majesty, in the said despatch, to remove our fears concerning the future.

What we have stated above relative to the operation in the province itself of a legislature free to watch over its interests, induces us to hope that until there be an essential change in the legislative council, his majesty, whilst desirous of adhering to his benevolent inclination of abstaining from every act which would be represented as an unnecessary intervention in the internal affairs of the province, and thereby even oppose himself to every legislative act on the part of the metropolitan state tending to destroy that large basis, would be pleased to take into his consideration the pure and simple repeal by the parliament of the United Kingdom, of the act commonly called the Tenures' Act, and of that passed in favour of the land company, as not being opposed thereto, inasmuch as the Canadian legislature never participated in the passing of these two acts, against which this house and the people have, from the commencement universally protested, and as their opposition to the rights, laws, and institutions of this province is now scarcely a subject of controversy. We, therefore, persist in praying that, until the bill passed on several occasions by this house, for the abrogation of the said Tenures'

Act be favourably received in a legislative council, disposed to give effect to the royal intentions, his majesty's government would be pleased to assist in otherwise accomplishing the repeal demanded, which would enable us to re-establish order in the important question of lands, and of proprietary law, and to accomplish, for the advantage and happiness of the inhabitants of the country, and of the other of his majesty's subjects, the views expressed in our said address.

It is for the same reasons that we persist in demanding likewise the repeal of the act passed in favour of the land company, and of the privileges which that act pretended to confirm. The considerations of public and private law which cause us to take a view of this subject different to that taken by his majesty's ministers in the said despatch, are too numerous and too palpable to be detailed at this moment. We shall pass over, also, in silence, the rights peculiar to the people of this province, and the circumstances, painful to us, under which that act was passed, and those privileges granted; and we shall abstain from pointing out the means at the disposal of the government to settle this question with justice to all parties. We shall merely add, that every day convinces us the more, that the principal tendency of that company is to maintain that division of people against people, amongst the different classes of his majesty's subjects, which has, in common with all the evils resulting therefrom, been fostered in times past, with too much success, by corrupt administrations.

Neither can we forbear from

here pointing out what we conceive to be, independent of its constant connexion with the system of metropolitan ascendancy and colonial degradation, a grand error in the disposal of the public domain of this province. That is, that in granting the lands under the tenure of free and common soccage, which, based upon views of free and prosperous colonization, and with a due respect for the laws of the country, would, in fact, be a desirable tenure—the advantages thereof have, in reality, only been accorded to the original grantees, rendered absolute masters of immense extent of land, without any reserve having been made for the future rights and interests of the mass of actual settlers who would improve the soil, who, although his majesty's free-born subjects, find themselves fettered in the extent of all those great concessions by onerous and even servile tenures. It is, nevertheless, after this system has been tardily repudiated, that nearly a million of acres of the lands of the country have been improvidently, and without any control, granted to the said company, with the further privilege of augmenting that quantity by unlimited acquisitions, dangerous to the liberties of the people. Independent of this anomaly and numerous other vices with which the said grant is tainted, the king's ministers cannot be so unacquainted with the subject, as to consider it a question merely of private law, or to believe that in any new country, the disposal and settlement of an immense extent of the public lands can be withdrawn from the control of the legislature, and abandoned to the

unrestrained direction of individuals.

The presence in the province of certain pretended authorities, whose powers and attributes are not to be found either in the constitution or in any law, has so often been alleged by your excellency and by the executive authorities in the metropolitan state, as being of a nature to retard till a future period, the restoration of order and the introduction of those improvements demanded by the people, that we cannot refrain from here making a few general observations, which must have attracted the attention of every public man. We believe, that this house is the legitimate and authorised organ of all classes of inhabitants in the country, and that its representations are the constitutional expressions of their wishes and their wants. We believe that the impartial use we have made of the powers vested in us, for the protection and the happiness of all our fellow subjects, ought to have secured to us due confidence, when we solemnly exercised those high privileges. It must, however, have been the result of an unjust distrust of this House and the people of this province, that his majesty's government has rejected our prayers, to defer to the opinions of a few individuals, strangers to the country, the fate of which was thereby committed to men whose vague and subordinate mission could not be acknowledged by any independent authority, recognised by the constitution, the spirit of which his majesty is particularly desirous to maintain. Thus it is, that a power acting without law and against law, could not form any other connexion but with those who entertained the same

erroneous views, and who, long since the avowed enemies of this house and of the people, profit by the system of dishonest policy which has been up to this moment the bane of the country, and which has nevertheless been maintained by many acts and declarations of the Crown and of Parliament. We believe, therefore, that the restoration of order and of the mutual respect which those whose duty it is to maintain it owe to each other, is one of the measures the most conducive to promote the establishment of a government as responsible and as popular as that which his Majesty, in enumerating in the said despatch his dispositions on several important points, declares he is entirely disposed to admit. We must equally declare that any departure from those intentions based upon inquiries emanating from a vitiated source, could not be sanctioned by any portion of the people sufficiently strong to lend its aid to a good government.

We shall pass over in silence the judicial independence and the establishment in the province of a high tribunal of public impeachments. It is too evident that the sole obstacle which now exists depends upon the solution of the question which we look upon as of the utmost importance.

Neither shall we discuss the demand made by this house of the free exercise of its Parliamentary and constitutional authority over the settlement and management of the lands of the province, and its control over all the branches of the executive government; we shall also omit whatever appertains to the settlement of the financial question, whereby the executive authority would no longer impede the rightful control

of this house over the public revenue. Our views and offers on these subjects have, without doubt, been considered liberal by his majesty's government; we are at least inclined so to believe in consequence of the opinion expressed in the said despatch on this part of our address; moreover, if we understand in its true meaning that part of the said despatch which approves of our opinions on divers other points, without discussing any of them in particular, we should be induced to believe that his majesty's government, convinced of the justice of our demands on these points, and of their accordance with the good government of the country, has now acceded thereto without requiring any further useless delay, and without further investigation of rights and principles so clear and so essential. If our hope of happy days for our country do not lead us to interpret too liberally general expressions, and if that hope be founded on something more than generous inferences, we cannot sufficiently express to your excellency, how much we rejoice at having, by our perseverance, contributed to the substitution of an unjust and partial system, by an order of things conformable to the rights and demands of the people. Nevertheless, we cannot but feel deep regret and profound grief when we consider that these declarations as well as those which preceded them on several occasions, have as yet availed nothing: that the vices of our political institutions remain unaltered; that the provincial legislature continues to be paralyzed in its functions, by the support given to the legislative council; that no essential reform has been introduced as yet into the

administration, or for the removal of abuses; that the executive and judicial authorities have preserved and manifested the same character of a faction combined against the liberties of the country and its public property; when we perceive that prejudicial inquiries in opposition to the above mentioned declaration have not as yet been abandoned;—when, in fine the executive government of the province, doubtless in obedience to the special order of the authority which appointed it, has had recourse, since the last session, to the practice of disposing of the public treasury of the province without the consent of this house. Thus, the state of the country having, therefore, remained the same, we believe it to be our imperative duty to adhere unalterably to the contents of our said address of the 26th of February last, as well as to our previous declarations; and to them do we adhere.

In reference now to the demand which your excellency has renewed under existing circumstances for a supply, relying on the salutary maxim, that the correction of abuses, and the redress of grievances ought to precede the grant thereof, we have been of opinion that there is nothing to authorise us to alter our resolution of the last session. Your excellency will bear in mind that our determination to obtain justice by means warranted by the best approved precedents, and by the spirit of the constitution itself, was taken at a more distant epoch, and that as a mark of our confidence in you, we temporarily departed from that determination by voting a supply for six months. We assure your excellency, as well as his majesty's government, that in that act, which we look upon

as a mark of our liberality, we were prompted by no minor consideration nor by any unjust or incorrect interpretation of the intentions of his majesty's ministers. The conclusion of our said address contains an explanation of our motives, and of the difficulties which it was not in our power to ward off; the same circumstance, as well as the previous consideration of the salutary principle above referred to, render it incumbent on us, in the present conjuncture, to adjourn our deliberations until his majesty's government shall by its acts, especially by rendering the second branch of the legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone can crown it with success.

Amidst the closing events of the last session, there is one circumstance in particular which we respectfully believe, has not been sufficiently noticed by his majesty's government. That is, it was not this house but the legislative council which deprived the provincial administration of the resources which would have been at its disposal, and which placing itself between the crown and the people, in a matter especially appertaining to the representatives of the latter, has prevented the free gift of the Commons to reach the throne.

In concluding this address, we shall again express our belief in your excellency's sincerity and intentions, and we flatter ourselves, that under different circumstances and with more direct powers, your excellency would have sooner helped to obtain the change which we await. If such a change had taken place, the good understand-

ing which has hitherto existed between this house and your excellency, notwithstanding the difficulties of our respective positions, would lead us to expect the most happy results from your excellency's desire to advance the prosperity of the country.

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CONCLUSIONS OF THE REPORT OF MILITARY PUNISHMENTS.—There now only remains for us to submit to your majesty the conclusions which, in our judgment, are the results of the whole evidence:—

1. That the opinion of almost every witness whom we have examined is, that the substitution of other punishments for corporal punishment in the British army, upon actual service, and in the field, is impracticable, and if practicable, would be insufficient for the maintenance of proper discipline in your majesty's army.

2. That the abolition of the power of awarding corporal punishment, by sentence of court-martial in the British islands and the colonies, and during peace, and the retention of the power of inflicting that punishment when the army is on service and in the field, appears to us, for the reasons we have stated, manifestly unjust.

3. That it does not appear to us, that the punishments which have been resorted to as substitutes, have hitherto had such an effect as to render it safe to abolish altogether that power in Great Britain or the colonies, nor have any other punishments been suggested to us that appear to promise a more favourable result.

4. That it appears to us, that even supposing that some effectual substitute might be devised, or that those now in use might be made

more effectual, so as to render corporal punishment ultimately unnecessary, it would be unsafe to proceed at once to abolish it entirely, and that even in that case its abolition should be gradual.

5. That in order to give full effect to the punishments now in use as substitutes for corporal punishment, considerable alterations must be made in the means of rendering solitary confinement in the several barracks more effective, and that a certain number of prisons exclusively for military offenders, should be provided as soon as possible.

6. That, although we have been unwillingly convinced of the necessity of still retaining the power of corporal punishment, and in proportion to our conviction of that necessity, we earnestly recommend that no pains may be spared to endeavour to make its infliction less frequent.

7. That, with the view of diminishing the frequency of this punishment, the offences to which it is limited, and the occasions upon which it should be resorted to, should be more clearly defined.

8. That, with the same view, more discretion should be vested in commanding officers as to the power of making use of minor punishments, and in determining on the offences which shall, under their orders, be tried by a regimental court-martial.

9. That it appears to us that the extent of the sentences in the power of the several descriptions of courts-martial to award may, without danger, be more limited than at present.

10. That encouragement should be given in the way of honorary reward and distinction, both to the gallant and to the well-conducted soldier.

11. That no consideration of expense within reasonable bounds should be allowed to stand in the way of attending to the comforts of the soldier while in the service, and of a sufficient pension for the good and deserving man after that service has been performed.

We cannot close our report without assuring your majesty that we find ample evidence of the earnest desire, and the most strenuous efforts upon the part, not only of the superior officers, but of officers of all ranks, so to conduct the discipline of the army as to render corporal punishment as rare as possible; and more especially we observe that the commanding officers are fully aware of your majesty's gracious wishes in that respect, and we are satisfied that they will persevere in giving the fullest effect, by the strictest attention to the moral discipline of their regiments, to those wishes.

How far the result of the inquiry in which we have, by your majesty's command, been so long engaged will tend to remove or mitigate the feeling which now prevails against the use of corporal punishment in the army we know not, but we can assure your majesty that we have endeavoured to sift the questions submitted to our inquiry fully and fairly, and without prejudice, and that we have formed our opinions upon the result of the very best evidence that could have been obtained upon the question.

Finally, we feel it to be our duty to your majesty to state our conviction, that if it were possible to introduce such a system of discipline as that of France into your majesty's army (a system which, in its effects, we believe to be far from being as successful as that of

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Great Britain), it could only be by the establishment of such a rigorous conscription of all ranks as we believe would not be endured, and by a change in the whole tone of this country, as to the military service, such as we have no expectation of seeing effected.

We humbly submit this our una-

nimous report to your majesty's royal consideration.

WHARNCLIFF.

JAMES KEMPT.

SANDON.

E. HYDE EAST.

R. C. FERGUSON.

E. BARNES, Lieut.-Gen.

T. REYNELL.

*India Board, March 15, 1836.*

## II.—FOREIGN.

## POST-OFFICE TREATY.

CONVENTION *between his Majesty and the King of the French, for extending the Facilities of Communication by Post, between their respective Dominions. Signed at Paris, March 30, 1836.*

His majesty the king of the United Kingdom of Great Britain and Ireland, and his majesty the king of the French, being desirous of extending the facilities of communication by post between their respective dominions, and to accomplish by means of a convention this important object, have, for this purpose, named as their plenipotentiaries, that is to say:—

His majesty the king of the United Kingdom of Great Britain and Ireland, the right hon. Granville earl Granville, a peer of the United Kingdom, knight grand cross of the most honourable order of the bath, a privy councillor, and his majesty's ambassador extraordinary and plenipotentiary at the court of France:—

And his majesty the king of the French, M. Louis Adolphe Thiers, commander of the royal order of the legion of honour, &c., a member of the chamber of deputies of the departments, minister secretary of state for the department of foreign affairs, and president of the council of ministers:—

Who, after having exchanged their respective full powers, found to be in good and due form, have agreed upon the following articles:—

Art. I. Persons desirous of sending letters either from France to the United Kingdom of Great

Britain and Ireland, and to those British colonies or possessions where the post-office of Great Britain has established post-offices, or from the United Kingdom of Great Britain and Ireland and the British colonies or possessions, to France, shall have the option:— First, of allowing the whole of the postage of such letters to be charged to the receiver; secondly, of paying the postage in advance to the place of destination; thirdly, of paying the postage only as far as the frontier of the country to which the letters are sent.

Art. II. The system of optional payment of postage specified in the preceding article, in favour of ordinary letters from the two countries, shall be applicable to letters and packets containing patterns of merchandise.

Art. III. Letters and packets containing patterns of merchandise, which shall be forwarded from one country to the other, either paid or unpaid, shall be conveyed at such reduced rates of postage as are allowed for such articles by the laws and regulations of each country.

Art. IV. The inhabitants of the two countries may send from one country to the other, letters termed registered or recommended letters. The postage of such letters shall be fixed according to the combined

rates of both countries, and shall always be paid in advance to the place of destination.

Art. V. The postage of a single letter, (for which the post-offices of the two countries shall account to each other), for ordinary letters, paid or unpaid, is fixed as follows, that is to say:—

FOR THE FRENCH POST-OFFICE.

1. Between Paris and the frontier of the United Kingdom of Great Britain and Ireland, one franc.

2. And with respect to any other part of the French territory situated on either side of Paris relatively to the frontier of the United Kingdom of Great Britain and Ireland, a charge in proportion to the rate of postage above fixed for the conveyance between Paris and the said frontier.

FOR THE POST-OFFICE OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND:—

1. Between London and the frontier of France, 10*d*.

2 And with respect to any other part of the United Kingdom of Great Britain and Ireland situated on either side of London relatively to the frontier of France, a charge in proportion to the rate of postage above fixed for the conveyance between London and the said frontier.

Art. VI. The postage of a single letter, for which the French post-office will have to account to the post-office of the United Kingdom of Great Britain and Ireland, with regard to letters arriving from the British colonies and possessions, or from other countries beyond sea, destined for France, or from France for the British colonies and possessions, or other countries beyond sea, which shall be conveyed by the regular packets of

the post-office of Great Britain and Ireland, is fixed as follows, that is to say:—

1. From and to Jamaica, Barbadoes, Martinique, Guadaloupe, St. Domingo, the British settlements and islands, the mails for which are conveyed by the Jamaica and Leeward Island packets, the United States of America and British North America, 2*s*. 3*d*.

2. From and to Portugal, 2*s*. 7*d*.

3. From and to Madeira, the Azores, and the Canaries, 2*s*. 8*d*.

4. From and to Carthage, La Guayra, and Honduras, 3*s*. 1*d*.

5. From and to Brazil, Buenos Ayres, Chili, and all other places in South America, the mails for which are conveyed by the Brazil packet, 3*s*. 7*d*.

With respect to such of the above-mentioned letters as shall be conveyed by merchant vessels leaving the ports of the United Kingdom of Great Britain and Ireland, or arriving at those ports, the rate for which the French post-office will have to account to the post-office of Great Britain and Ireland, is fixed as follows, that is to say:—

For letters destined for France, 1*s*. 6*d*. for each single letter.

For letters coming from France, 1*s*. also for each single letter.

The postage of the letters from France for the countries beyond sea, mentioned in the present article, which shall be conveyed by merchant vessels leaving the ports of the United Kingdom of Great Britain and Ireland, shall be paid in advance agreeably to the practice, with respect to the letters sent from the United Kingdom.

Art. VII. The two post-offices shall mutually account to each other for the postage received on letters, whether paid or unpaid, forwarded from one office to the

other, according to the scale of postage in force in that one of the two countries to which the account is to be rendered.

Nevertheless, the post-office of the United Kingdom of Great Britain and Ireland, shall account to the post-office of France at the rate of a single rate of postage for each quarter of an ounce, on letters addressed to France, post paid, to their destination.

Art. VIII.—English newspapers sent to France, shall, like newspapers coming from other foreign post-offices in correspondence with France, and like French newspapers in France, be subject to a rate of only four centimes for each newspaper, to be paid by the receiver; and, reciprocally, French newspapers destined for the United Kingdom of Great Britain and Ireland, shall be subject only to a postage equivalent to that of four centimes, and to be paid by the English receiver. The whole, however, upon the condition, that on both sides the newspapers shall be printed in the language of the country in which they shall have been published; and that with respect to them, the laws and decrees which regulate their publication and circulation shall have been duly complied with.

With regard to newspapers coming from foreign countries through the French territory, and destined for the United Kingdom of Great Britain and Ireland, the English post-office shall pay to the French post-office, for the conveyance of those newspapers through France, a postage of four centimes on every printed sheet.

Art. IX. His majesty the king of the French promises to use his good offices with the governments of those countries, of which the

post-offices are in relation with the post-office of France, in order to procure for the inhabitants of Great Britain and Ireland, whose correspondence with those countries passes through the French territory, the option reserved by Article I., of the present convention to the correspondence between France and the United Kingdom.

Art. X. Letters misdirected or missent, as well as letters addressed to persons who have changed their residence, shall be returned without delay to one of the offices of exchange belonging to the post-office from which they have been forwarded, for a return of the postage at which they were delivered by that office to the office of the other country.

Art. XI. Dead letters of every description shall be mutually returned by each office at the expiration of every month, or oftener, if possible; and those letters which shall have been charged in account, shall be returned for the same amount of postage which was originally charged for them by the office from which they were sent.

Art. XII. Independently of the respective offices for the exchange of letters for the two countries, which are established at Dover and Calais by Article I. of the convention of June 14, 1833, and through which principally the correspondence between Great Britain and France shall continue to be forwarded, it is agreed, that bags may be made up for the transmission of local correspondence between Brighton and Dieppe, Southampton and Havre, and all other places on the coast of each of the two countries, for which such direct communications may hereafter be deemed necessary.

The inhabitants of the places

above-mentioned shall have the option of paying in advance, or not, the postage of the letters which they may forward from one country to the other by the above-mentioned channels, in the same manner as stipulated by article I. of the present convention.

Art. XIII. The transit postage through France on letters from the United Kingdom of Great Britain and Ireland to those countries to which France is the channel of communication, and from those countries to the United Kingdom, shall continue as fixed by article IX. of the convention of the 17th May, 1802, with the exception of the undermentioned modifications, that is to say :—

1. Letters from Austria, and from the Lombardo-Venetian kingdom, shall pay for every thirty grammes, net weight, independently of the sum of one franc fifty centimes, stipulated by the before-mentioned convention as transit postage through France, the sum of one franc eighty centimes, as a reimbursement to France of the sum paid to the Austrian post-office for the conveyance of the said letters through Switzerland ; making in all three francs and thirty centimes.

2. Letters from Turkey, from the Levant, from the Archipelago, and from Greece, shall pay for every thirty grammes, net weight, independently of the sum of three francs stipulated by the above-mentioned convention as transit postage through France, the sum of three francs twenty centimes, as a reimbursement to France of the sum paid to the Austrian post-office for the conveyance of the said letters through the Austrian territory and through Swit-

zerland ; making in all six francs, twenty centimes.

3. Letters from the Ionian islands shall pay for every thirty grammes, net weight, independently of the sum of three francs, stipulated by the above mentioned convention as transit postage through France, the sum of two francs forty centimes, as a reimbursement to France the sum paid to the Austrian post-office for the transit of the said letters through the Austrian territory and through Switzerland, making in all five francs, forty centimes.

With respect to those foreign governments, the transit postage of whose correspondence is now paid to France by the post-office of Great Britain, both going and returning, the French government engages, in the event of the renewal of any post-office conventions with those governments, to demand that they should bear the charge of one of the rates of transit.

Art. XIV. The post-offices of Great Britain and France shall, every month, balance their accounts for the mutual transmission of letters ; and those accounts, after having been examined, compared, and settled by the post-offices, shall be liquidated at the expiration of every three months by that post-office which shall be acknowledged to be in debt to the other.

Art. XV. The form in which the accounts mentioned in the preceding article are to be made up, as well as the mode of verifying the account of the postage to be mutually accounted for by each office, and all other matters of detail which are to be arranged by mutual consent for ensuring the

execution of the stipulations contained in the present convention, shall be settled between the post-offices of the two countries as soon as possible after the exchange of the ratifications of the said convention.

It is also agreed that the measures of detail mentioned in the present article, may be modified by the two post-offices whenever, by mutual consent, those post-offices shall have decided that modifications would be beneficial to the post-office service of the two countries.

Art. XVI. The high contracting parties engage to recommend, with the least possible delay, the one to his parliament, and the other to the chambers, that they should be empowered to carry into execution such of the stipulations of the present convention as may not now be in conformity with the laws of the two countries respectively.

Art. XVII. The present convention is concluded for an indefinite period. If, at any future time, circumstances should render desirable any change or modification in any of its articles, the high contracting parties will concert upon the subject; but it is understood that unless by mutual consent, neither the convention, nor any of its stipulations, shall be invalidated or annulled without a previous notification of six months. During that term of six months, the convention shall continue to be fully and entirely carried into effect, without prejudice to the settlement and liquidation of the accounts between the two post-offices after the expiration of the said term.

Art. XVIII. The present con-

vention shall be ratified, and the ratifications exchanged at Paris at the expiration of three months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present convention, and have affixed thereto the seals of their arms.

Done, in duplicate, at Paris, the 30th day of March, in the year of our Lord, 1836.

GRANVILLE, (L.S.)  
A. THIERRS, (L.S.)

‘ SPEECH DELIVERED BY THE  
QUE N-REGENT AT THE SO-  
LEMN OPENING OF THE GE-  
NERAL CORTES OF THE  
SPANISH NATION ON THE  
24TH OF OCTOBER, 1836.

“ Gentlemen Deputies. — On beholding around the throne of my august daughter the worthy representatives whom the nation has sent to defend and to consolidate it, and also especially to establish the state on the basis of liberty, of order, and of justice, I cannot but congratulate myself, and also congratulate you, on finding an assembly so necessary and so long desired, at last constituted.

“ You, gentlemen, are called together to perform one of the most solemn, and at the same time one of the greatest acts, for which a national congress can be convoked; you are come to revise the constitution which the Spanish nation gave to itself, after having been deprived of one for the space of three centuries, and at a period when it was carrying on for its own independence a deadly struggle with the most colossal power in the world. That act was attended with glory proportionate to its

great merit, and the dawn of your freedom was regarded in many parts with envy, in others hailed with applause, and in all it was received with benevolence.

"To you, who are about to perfect the work then commenced, no less honour will accrue; for if that war of aggression was so fearful from the military force and the unequalled capacity of the military chief who attacked you, the civil war which now so cruelly tears us to pieces is not less terrible in its effects, while in its origin it is by far more painful. To pacify irritated passions, to unite opposed opinions, to conciliate clashing interests, to overcome enemies at home, and to annihilate intrigues abroad—oh, how great a source of difficulty and disorder! What obstacles to the grand object for which you are assembled here—insuperable to all others than Spaniards! But everything is to be expected, gentlemen deputies, from your constancy and wisdom; and without doubt, the generous efforts of those who are about to triumph in this second essay will receive from posterity the same applause and renown as have waited upon, and will still wait on, the acts of those who triumphed in the first one.

"No sooner was I convinced that the real wish of the nation was, to have re-established the constitution of the monarchy proclaimed in Cadiz, than I hastened to swear to it, and to command that it should be sworn to and observed in all the kingdom as the fundamental law. And it being also the national will that this law should be revised and corrected, in order to effect the better the ends for which it was ordained, I convoked immediately the Cortes

for the purpose of deliberating respecting this salutary reform. I, at the same time, assembled around my person, and composed my government of, individuals possessing my entire confidence, and who, being well known, could, as I believed, inspire confidence into the nation. I hope that the line of government adopted by them, has not rendered them unworthy of it, and if, in any of their acts, they have felt themselves obliged to exceed in any way the sphere of their functions, I do not doubt, that, considering the irresistible necessity of saving thereby the state, they will find the justification thereof in the equity and benevolence of the Cortes.

"The foreign powers, which in both hemispheres have recognised the indisputable rights of my august daughter, continue to maintain their former relations of friendship and good correspondence with me. Among them, the august allies of the queen, who signed the treaty of quadruple alliance, show themselves always disposed to support it; and, in accord therewith, continue to afford us co-operation and aid as before. To the valuable assistance, for which we already are indebted to the generosity of his Britannic majesty, has been since added the support given to the operations of our army of the north by means of the naval force which took such a part in the glory acquired before St. Sebastian on the 5th of May last, and the supply of 100,000 muskets, so important to us in our present situation. To his majesty, the king of the French, we are equally indebted for the re-inforcement, which, under the command of a worthy general, has already been incorporated with the auxiliary legion

from Algiers, although the cabinet of his majesty, the king of the French has since thought fit not to carry forward the arrangements for increasing the co-operation on the part of France. From her most faithful majesty I receive daily new proofs of goodwill, and at this moment arrangements are going forward with her government, which I flatter myself are likely to have a fortunate result, with a view to dispose of the auxiliary Portuguese troops in the most advantageous way.

"The other powers of Europe, with respect to whom we do not stand in the same relations, do not, however, on that account fail to manifest a pacific disposition towards Spain, although some of them have ordered the chargés of their legations in Madrid to withdraw, for which reason similar orders have been issued to our envoys employed at their respective courts. The cabinet of the two Sicilies has alone given me cause of great complaint, which, on account of its importance, as well as on account of what I owe to the dignity of the nation, and of the throne of its queen, have obliged me, much to my regret, to recall my chargés d'affaires at Naples, and to command the agent of that government to depart from Spain. All information on this disagreeable incident will be fully afforded to the Cortes by my secretary of despatch for foreign affairs; the measures adopted do not involve on my part any feeling of hostility nor will they prevent the commerce and communications between the two countries from continuing on their former footing.

"My government will give you, at due time, information as to the progress already taken place, and

of the state of the negotiations with some of the new states of Spanish America; and being always desirous of bringing them to a conclusion, as the interests of the mother nation and of those countries demand, will not delay to ask from the Cortes the authority necessary for the conclusion of conventions, to accord which the government believes that no insuperable difficulties will be felt.

"It is an arduous, not to say an insuperable, task, at periods of agitation and disturbance such as the present, to attend duly to those branches on which public prosperity and the progress of civilization depend. My government, however, as far as the state of things allows, will not omit, as far as possible, to provide for their maintenance and advancement; having constantly in view the importance of making practically known to the inhabitants of every village the advantages of the constitutional system, in order that all the productive classes should become identified with the new interests created by it. . . . Amidst all those matters, the necessity is more than apparent of attending properly to the national militia, at once the protecting force of the rights of each citizen, the bulwark of liberty and of order. This institution has received a remarkable increase of number, and some improvements in its regulations, which render it capable of fulfilling the useful objects of its establishment. If from want of arms it has not yet been able to present such a respectable aspect as properly belongs to it, now that the battalions of the national guard are supplied with the arms which, as I already said, have been furnished by the British government, they will be

equally to be feared from their complete armament as from their heroic decision and patriotism, and will form the impregnable rampart of our institutions and of our independence.

"In despite of the toils and cares that surround the throne of my august daughter, I have not neglected the interests of our ultramarine provinces; the situation of those provinces does not allow the complete re-establishment of the articles of the constitution, which, relating to the designation of ministers, appoints one solely for their political government; but considering it necessary for the prosperity of these fertile countries that the affairs of their government should be directed by one law, and on one plan solely, I have thought proper to give charge thereof to the secretary of despatch for the marine department, together with matters of commerce, in consequence of the strict analogy which they all have with those of mercantile navigation and that of war. The mercantile code, which requires some reform, will, in a short time, be reformed and assimilated to the institutions under which we now live, and presented to the Cortes for examination and approbation.

"The same difficulties which, with respect to so many objects of public interest are experienced in consequence of the painful state of the nation, are also felt in rendering the administration of justice as free and unembarrassed as it ought. My government has, notwithstanding, struggled to remove those difficulties, and, relying on the approval of the Cortes, it is preparing means for organizing this most important branch on the combined principles of irremova-

bility and strict responsibility on the part of the magistrates and judges. The civil code is already drawn up; the penal and criminal codes will be presented at a proper opportunity to the Cortes; those of the custom-house tariffs will soon be ready for all the courts and tribunals of the kingdom.

"The state of public finance, after so many unfortunate and fatal events rendering it impossible for its means to correspond with its charges, will be explained to you by the secretary of state to whom this branch belongs. He will also lay before you, in as short a time as possible, the estimates of the public expenses, and the plan of contributions to meet them, for which purpose his particular attention is dedicated. At the same time he will furnish you all the explanations and data necessary to satisfy your anxiety on so important a matter, and which is so especially under your care. He will, in the same manner, submit to the examination and approbation of the Cortes the decrees issued in favour of the national credit, and point out whatever may seem most opportune to restore and to extend it.

"All the interests of the Spanish debt have been paid up to this period, with only one exception, which I very much regret — I allude to our not having been able to collect the means of satisfying the six months' dividend on the foreign debt, and which becomes due on the 1st of November next. I am confident that my government will be able to overcome the obstacles that have reduced it to this extremity, so that not more than a short delay shall intervene between the dividends becoming due and the payment thereof—a

delay which will be compensated by the security of a proportionate interest during the period which may elapse before the payment of the amount due.

"The difficulties to which the public treasury has been subject, aggravated at one time by the exigencies of the war, and in consequence of the Cortes not being assembled, obliged my government to adopt the painful, but indispensable, resolution of asking from the nation a supplement of 200,000,000 reals, repayable in four years from the proceeds of the ordinary taxes, and with the annual interest of five per cent. The Cortes in their patriotism will acknowledge the existence of causes rendering this measure inevitable; indeed, the only one that could be adopted for the salvation of the country at a period of so much embarrassment.

"Various reforms and retrenchments have already been effected in the administration; they will be continued with constancy and firmness—for without good order and economy in the expenditure, there can be no real foundation of prosperity or solidity for any system of finance. Measures for the general and definitive organisation of this department will also continue to be taken—a department which has hitherto shown a degree of torpidity on account of various causes, some of which could not be removed by other means than by the Cortes. The object of those measures is to take advantage of all the resources of the kingdom, capable of making up the losses, of restoring the credit, and of placing the receipts of the treasury on a par with the public expenditure, and above all with the means of the people.

"The special and indispensable

necessity of giving a new impulse to the military operations for terminating the civil war has rendered imperative the resolutions adopted for the new levy of 50,000 men, and for the organisation of the National Guard, according to the articles of the decrees relating thereunto. The combination of both measures will augment very much the active forces, and will hasten the moment when peace and good order, those essential bases of all prosperity, whether public or private, will begin to be re-established in the state.

"In the meanwhile the army as well as the navy, have incessantly continued to give admirable proofs of their valour, of their patience, and of their firm determination to maintain the cause of liberty and of the throne of my august daughter. Impelled by its patriotism, the army joined in the declaration of the provinces in favour of the constitution; but it did not, nevertheless, lose sight of, even for a moment, the principal object of its destination—the pursuit and destruction of the rebels. Simultaneously with the manifestation of the will of our soldiers have been their victories: before them are flying bands of enemies, which unfortunately have succeeded in penetrating into the interior of the kingdom, without once daring to face our troops, or wait for their approach, causing, by the rapidity of their flight, more fatigue in overtaking them, than difficulty in overcoming them. Like every pestilential and fatal plague, they undoubtedly are the cause of misery and desolation wherever they come; but they also leave behind them a just horror of their atrocities, and in every quarter meet with a dreadful warning in not finding any

place to raise up or wave with security the banner of their rebellion.

"Such is, in fine, gentlemen deputies, the position of public affairs, of which my secretaries of despatch will, in the different reports they shall present to you from the various branches under their superintendence, give you more ample details. Your divisions will, no doubt, be conformable with the urgency and importance of the circumstances; and the means which you will afford to my government, and in the strong and energetic measures which you may adopt, is centered the confident hope of the termination of this lamentable civil war: this is the first wish and the first necessity of the Spanish people, which expect every thing from you.

"At the same time you will proceed to the reform of the constitution, and with a skilful and, at the same time, firm hand you will establish the basis of the new social organisation. For this noble and majestic undertaking have you been principally convoked. I, therefore, propose and counsel nothing as queen, neither do I ask any thing as a mother. It is not possible to imagine, considering the generosity of the Spanish nation, that the prerogatives of the constitutional throne shall suffer any diminution in consequence of the

state of orphanage and of infancy of the innocent queen now called to occupy it. Europe has its eyes fixed on you; she will see that, taught by twenty-four years of struggles, of misfortunes, and of cruel agitation, you know how to profit by the lessons of your own experience and those of foreign examples. Elevated to the height of your sublime mission, you will, without doubt, place yourselves above all partial and trivial interests, above all exclusive systems. The nation and the civilised world expect from you a fundamental law, by which the legislative powers may deliberate and resolve, without precipitation or passions; in which the government may have for its action all the freedom and force it requires, without ever giving cause of fear that it should degenerate into oppression, and in which the administration of justice, founded on absolute independence, shall cause neither disquiet to the innocent nor afford impunity to the guilty. Such are, without doubt, the views with which you will proceed to undertake this grand work, worthy alike of your wisdom and of your prudence; and thus revised and reformed, the Spanish constitution will acquire more respect and sympathy among foreigners, more love (if possible) and more stability among ourselves."

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HANOVER, DEC. 24.—*The HANOVERIAN GAZETTE publishes the following Royal Family law for the kingdom of Hanover:—*

"We, William IV., &c., considering that since the dissolution of the constitution of the German empire, the essentially altered relations of the members of the German reigning houses to their

head, and now their sovereign, requires to be more accurately defined; considering further that the new arrangements in the financial department, in consequence of the introduction of the constitution

tion into our kingdom of Hanover, require a revision of the law relative to the appanages, because this, with other important regulations, seems to be especially indispensable for the contingency of a separation of the crown of Hanover from that of Great Britain, have resolved, after a previous careful examination of the preceding family conventions and upon their bases, to issue a new royal family law, to abolish in it absolute ordinances, paying due regard to what is still applicable; to substitute new regulations in their room; and, in general, to prevent all future doubts and mistakes. We therefore, and this, so far as our serene house collectively is concerned, in concert with his serene highness the duke of Brunswick, and with respect to the points calculated for the co-operation of the estates, with the assent of our faithful estates of the kingdom of Hanover, ordain as follows:—

“CHAPTER I.—OF THE ROYAL FAMILY, ITS HEAD, AND ITS MEMBERS.—Sec. 1. By the name of the royal house, that line of the collective house of Brunswick Lunenburg is to be understood which, either at present or in future, reigns in the kingdom of Hanover.

“2. The king is the head of the royal house.

“3. The members of the royal house are—1, the queen-consort of the king; 2, the royal widow; 3, all princes and princesses not reigning, of the royal Hanoverian line, in the kingdom, qualified to succeed to the throne; but in case of a separation of the crown of Great Britain and Hanover, only when they take up their abode in the kingdom of Hanover, and are received by the king into the

family circle of this kingdom; for the rest, without trenching on the right to the succession of the members of the collective house; 4, the consorts and the widows of the princes of the royal house, if of princely birth and married according to the family law.

“4. The princesses of the royal house, after marriage, according to their rank, to a husband who is not a member of the house, cease to belong to it.

“5. The eldest son of the king has the title of crown prince, and is called royal highness. All the other princes of the house, sons of the king, are called royal princes and royal highnesses. The princesses, the king's daughters, have the same title. An exception takes place only in the case mentioned below.

“The princes and princesses of the house who are not royal princes and princesses have the title of ‘highness.’ If the eldest son of the king dies during his father's life, the title of crown prince and the predicate of royal highness go to the eldest son of the crown prince who is qualified to succeed. The same predicate shall then be given to all the other princes and princesses, sons and daughters of the deceased crown prince.

“6. The queen-consort of the king shares the royal rank. Next to her the royal widows; first the mother, then the grandmother of the king; then other royal widows, among whom the one who has last become a widow has the precedence.

“The order of precedence among the other princes and princesses of the house is determined according to the priority of their rights to the throne. Points in dispute respecting which no provi-

sion is made are decided by the king.

"7. If a separation of the crowns of Great Britain and Hanover takes place, an especial royal ordinance will be issued respecting the arms to be borne by the several members of the house.

"8. In the relations of the royal house to the ducal house of Brunswick Wolfenbittel, the senior of the two reigning houses will be considered as the head of the whole house of Brunswick Luneburg.

"CHAPTER II.—OF THE RIGHTS OF THE KING AS CHIEF OF THE ROYAL HOUSE.—Sec. 1. All the members of the royal house are subject to the supremacy and authority of the king, who, as head of the house, exercises a special superintendence over them, with definite rights, according to this family law.

"2. By virtue of this right of superintendence, all measures to be adopted for maintaining the honour, tranquillity, order, and welfare of the royal house for itself and in its relations to the whole house of Brunswick Luneburg, originate with the king alone.

"3. But none of the enactments of the family law which concern the right and order of succession to the throne can be altered, unless, besides the previous consent of the estates of the kingdom, reserved to them by chap. 2, sec. 26, of the constitution, all the collateral relations and the representatives of those who are minors, entitled to give their vote, and qualified to succeed to the throne, shall consent to such alterations.

"4. Neither can the king make any change, to the prejudice of

the parties interested, in incomes assigned to the members of the royal house.

"5. The rights of the king, as head of the house, are exercised in case of a regency by the regent, with the single exception which is contained in chap. 2, sec. 23, of the constitution.

"CHAPTER III.—ON THE RIGHT OF SUCCESSION TO THE THRONE.—Sec. 1. The qualification to succeed to the throne presumes community of blood and birth, of a legal marriage, with a person of due rank, and according to the family law.

"2. Those marriages are considered as of due dignity which are contracted either by members of the royal house with each other, or with members of such houses as by art. 14 of the act of the German confederation, are placed on a level with the sovereigns.

"3. A marriage is according to the family law when it is concluded with the consent of the king formally given.

"4. The king alone has to decide in every case whether there are reasons or not to refuse this consent.

"5. The consent is to be given in writing, signed by the king's own hand, with the seal of the state, and countersigned in the usual manner.

"6. The children of a marriage contracted without the formal assent of the king have no right to the succession to the throne, nor to the rank, title, and arms of the royal house.

"7. The princes and princesses are, besides, bound to apply for the king's consent to the marriages which they intend to contract, which consent, when the parties are of due rank, will not be refused without special reasons.

"8. The regulations in the preceding sections, 3 to 7, are unalterably valid for the two lines of the whole house of Brunswick Luneburg with respect to their dominions forming part of the German confederation, according to the law adopted by both the reigning sovereigns on the 24th and 19th of October, 1831, the whole of the essential part of which is adopted in the present law.

"9. If the king should resolve to contract a marriage with a person not of sufficient rank, he will declare such marriage to be morganatic, in a document to be made in duplicate, signed by the king's own hand, countersigned by all the ministers, and deposited in the archives of the kingdom and in the archives of the general assembly of the estates."

**"CHAPTER IV.—OF THE ORDER OF SUCCESSION TO THE THRONE.**

—Sec. 1. The throne of the kingdom of Hanover is hereditary in a single person, according to the principles of indivisibility and primogeniture laid down in the family law.

"2. It is hereditary in the collective house of Brunswick Luneburg, and first of all in the male branch of the present royal line. The order of succession is the pure lineal inheritance according to the right of primogeniture. If the male branch of the present collective royal line becomes extinct, the crown descends, with the entire exclusion of females and their descendants, to the male branch of the present ducal line of Brunswick Wolfenbützel—that is to say, to the reigning duke. No separation can ever afterwards be made of the collective territories thus once more united.

"3. In the same manner the duchy of Brunswick, if the male branch of the ducal line of Brunswick Wolfenbützel should sooner become extinct, shall descend, with the entire exclusion of females and their descendants, to the royal male line, that is to say, to the reigning king; and no subsequent separation can take place of the collective dominions once again united.

"4. Should it happen that the male line of the collective house of Brunswick Luneburg should become extinct, whether the royal male branch or that of Brunswick Wolfenbützel should become extinct the soonest, the succession to the throne, conformably to the original charter of the emperor Frederick 2nd, of 1835, shall descend to the female line, without distinction of sex. So that only the nearness of the affinity to the last reigning king, and in equal degree of affinity the antiquity of the lines, and in the line itself, the personal seniority shall have the preference. But in this case, the right of primogeniture, and the lineal succession in the male branch, shall again be observed in the posterity of the reigning royal family.

"5. To remove every doubt respecting the order of succession to the throne among the members of the collective houses of Brunswick Luneburg now living, and in conformity with the regulations contained in this and in the preceding chapter, we further expressly decree, that in case of the death of us, the reigning king, without male heirs qualified to succeed to the throne, the succession shall be first in our brother, prince Ernest Augustus, duke of Cumberland, and his male line; if that should

become extinct, in our brother, the royal prince Augustus Frederick, duke of Sussex, for his person, and eventually his male descendants, from a duly assorted marriage, conformable to the family law, which he may in future contract; and if this male branch should become extinct, in our brother, the royal prince Adolphus Frederick, duke of Cambridge, and his male descendants; and lastly, if this too should become extinct, the crown shall go to his serene highness, the reigning duke William of Brunswick.

"6. The princesses of the house after they have completed their 16th year, and at all events before their marriage, have to execute deeds of renunciation, in which they renounce the succession to the throne for themselves and their heirs, except in the case before mentioned; and also declare that they claim for themselves and their heirs, with respect to the private property, no more than this family law expressly assigns them. The deed of renunciation is to be mentioned in the marriage contracts of the princesses.

"CHAPTER V.—ON THE MAJORITY OF THE HEIR TO THE THRONE, AND OF THE OTHER MEMBERS OF THE FAMILY.—Sec. 1. The heir to the throne is of age as soon as he has completed his 18th year.

"2. The other princes and princesses are of age when they have completed their 21st year.

"CHAPTER VI.—ON THE CARE OF THE KING'S PERSON DURING A REGENCY.—Sec. 1. In the education of the king, when a minor, the directions in chap. 2, sec. 25, of the constitution are to be followed. The same directions are to be observed with respect to the

remainder of the guardianship of his person and the administration of his private property. No change can be made in the substance of them without the consent of the regent, with the advice of the ministry.

"2. As by chap. 2, sec. 25, of the constitution, the regent is constantly excluded from the superintendence of the person of the king, who is hindered from exercising the government, the care of his person devolves on the mother, grandmother, consort, and brothers and sisters of the king, residing in the kingdom. Which of them or of other members of the family deserve the preference is to be decided by a family council, to be summoned by the regent, of all the members of the family who are of age; in which family council the members of the ministry have a seat and vote. Notice of the decision is to be given to the general assembly of the states. Every member of the house who is of age has a right to propose to the regency a change in the arrangement, and the convocation of a family council for that purpose.

"CHAP. VII.—ON THE SUPERINTENDENCE OF THE KING OVER THE MEMBERS OF THE FAMILY WHILE UNDER AGE.—Sec. 1. The king takes cognizance of the education of the princes and princesses, and receives reports respecting it.

"2. The princes of the house have the nomination of guardians for their children; but the king reserves the right of confirming them. If no appointment is made, or the confirmation is refused, the king appoints the guardians.

"3. The guardians are to take an oath to the king for the conscientious performance of their duty. They are to deliver an ac-

count of the management of the property every year to the ministry, or the authority appointed by it. A report on the management shall be made to the king.

**"CHAPTER VIII.—ON THE RELATION OF THE MEMBERS OF THE HOUSE WHO ARE OF FULL AGE IN GENERAL.—**Sec. 1. The members of the royal house, when they have attained their majority, have the management of their private property, and may have an establishment of their own.

"2. They are to inform the king of the persons who compose their household.

"3. The king has a right to appoint guardians of the property in case none are appointed by will. In the choice of guardians the next heirs shall always be considered.

"4. No member of the family can, without the king's permission, enter into foreign service, or fix his residence abroad. A violation of this regulation brings with it the suspension of the appanage of a member of the royal family.

"5. No member of the royal house can, without the special and express assent of the king, withdraw himself or his family from the royal supremacy and jurisdiction, even though he has the permission to reside abroad.

**"CHAPTER IX.—ON THE JURISDICTION TO WHICH THE MEMBERS OF THE ROYAL HOUSE ARE AMENABLE.—**Sec. 1. In civil causes, the members of the royal house have personal actions. The proper court, in the first instance, is the chancery of justice, in whose resort they are; and in the second and last instance, the high court of appeal of the kingdom.

"The alterations that may be found necessary, on a revision of

the constitution of the courts of justice, according to chap. 3, sec. 31, of the constitution, are hereby reserved.

"2. Matrimonial differences in the royal house the king will endeavour to arrange, or, in case of need, appoint special authority to investigate the matter, whose sentence must be submitted to the king to be approved.

"3. In cases which are calculated for penal action, so far as they concern the members of the house personally, and no royal decision intervenes, they come before the family council, which is composed for this purpose of those princes of the house who are of age, and in whose case there is no legal obstacle, and the members of the ministry who have a vote, to inquire and decide, as a supreme tribunal, according to the laws of the kingdom. If the member whom the inquiry concerns requires it, the family council may be increased by members of the highest courts of the kingdom. The king directs the inquiry either in person or by commission. He has the right of confirming the sentence, and pronouncing pardon. The court establishment and servants of the members of the royal family are under the same jurisdiction as those of the king." [As the conclusion of this law would, probably, not so much interest our readers, we only add the heads of the remaining chapters; the 10th chapter treats in five sections of the state appanages; the 11th of the private property of the king and the members of the family; the 12th of the family and house entails; and, the 13th, of the validity of the family law.]

"NOTE OF THE PLENIPOTENTIARIES  
OF AUSTRIA, RUSSIA, AND  
PRUSSIA, TO THE PRESIDENT OF  
THE REPUBLIC OF CRACOW,  
DATED FEB. 9, 1836.

"The undersigned residents of his majesty the emperor of all the Russias, and of his majesty the king of Prussia, and also the undersigned chargé d'affaires of his imperial apostolic majesty, have hastened to lay before their respective courts the communication of his excellency the president of the senate of the free city of Cracow, relative to the unhappy occurrences that took place in that city at the beginning of the present year. The three courts of Austria, Prussia, and Russia have seen in this event only a new and irrefragable proof of the existence of a deeply-rooted evil, which, being diffused in the interior of this republic, threatens not only its own tranquillity and peace, but the security of the adjoining provinces. The three courts, called by the existing treaties to protect the free city of Cracow, and to see to the maintenance of its neutrality, feel themselves the more especially bound to adopt the measures which the case requires, as it is combined with the duty of preserving their own states from manifest injury. In consequence of these considerations, the undersigned are instructed to announce to his excellency the president of the senate of the free city of Cracow, that the immediate clearing of the city and territory of Cracow, by sending away the Polish fugitives and all dangerous individuals, who have unfortunately assembled there in great numbers, is the measure which has been

judged indispensable in order to annihilate all the rebellious plots contrived as well against the safety and tranquillity of the city and territory of Cracow as against that of the neighbouring provinces. The undersigned cannot doubt that the government of Cracow will the more readily assent to this measure, as it has itself already manifested at different times the intention of resorting to it, and the three courts have now prepared all the means of facilitating the execution of it. Acting on the 9th article of the "Act of Congress of Vienna," which agrees with the 6th article as well of the treaty of the 3rd May, 1815, as of the new constitution of the free city of Cracow of the 30th of May, 1833, the protecting powers call on the government of Cracow, to remove from its territory, within eight days, all the Polish fugitives now there. In order to facilitate as much as possible the departure of the fugitives, the station of Podgorze will be opened to them. Such fugitives as can prove that one of the governments has consented to their being permitted, will be provided with the necessary means to proceed to their destination, but the others will be sent to America. The subjects of other powers, who reside in Cracow, and are pointed out by the protecting powers as dangerous, must likewise be sent away from Cracow within eight days, for this end, that one of the protecting powers, through whose territories these strangers pass, will cause them to be provided by their residents in Cracow with the necessary passports. The three protecting powers have thought

it proper to cause troops to advance to the frontiers of the territory of Cracow, as well to hinder the individuals designated in the preceding paragraphs from deviating from the route assigned them, as to afford the government of Cracow the support which it may need, as well as to second the above demand and preserve order and public tranquillity. It will, therefore, be for his excellency, the president, to apply to the undersigned, if they should be in want of the support of the armed force to carry any of the above points into effect. So long as the present state of things continues, every subject of the free city of Cracow who intends to pass the frontiers of one of the three neighbouring states, cannot be admitted without exhibiting a regular passport, signed by the respective residents. The three protecting powers flatter themselves that the required clearing of the territory of Cracow will, in consequence of these facilities offered to the government of the republic, be effected without further difficulty. Should they, however, be disappointed in their expectations on this subject, and, should the period above fixed, pass over without the entire and complete execution of the measures in question, the three courts will feel themselves bound to effect, by their own means, what the government of Cracow may have wanted the inclination or the power to carry into execution. The undersigned, while they fulfil, by this communication, the commands given them by their august courts, take the opportunity of assuring his excellency the president, and senate of the free city of Cracow, &c."

"THE RESIDENTS OF THE HIGH PROTECTING POWERS TO HIS EXCELLENCY THE PRESIDENT AND THE WORTHY SENATE OF CRACOW."

"The undersigned representatives of the high protecting courts had the honour to inform the president and the senate of the free city of Cracow, by their note of the 14th of April last, what are the points, the suitable adjustment of which appeared to the high protecting courts indispensable, before the complete evacuation of Cracow by the troops, which the said powers have found it necessary to leave therein. His excellency the president, in his answer of the 16th of April, expressed a wish to know the bases on which the re-organisation of the militia and police of Cracow (which formed two principal points of the demands of the undersigned) were to be carried into effect.

"The undersigned having been anxious to obtain the orders of their courts on these subjects, are now enabled to satisfy the demand of the president, by transmitting him in the annexed documents the principles which the courts propose for the adoption of the senate:—

"A. Relative to the re-organisation of the militia.

"B. Relative to the re-organisation of the police.

"Adding besides:

"C. The clauses which must necessarily be introduced into the law to be adopted for regulating the admission of foreigners into the state of Cracow,—a law which derives its origin from the most simple principles of good police, and which the three powers regard as equally important for

guaranteeing the state of Cracow and their own adjoining provinces against the return of the disorders and dangers which lately attracted the attention of the three protecting courts, and required their active intervention in the affairs of Cracow.

"In submitting to the mature deliberation of the senate the communications which the undersigned have the honour to make in the name of their courts, they cannot refrain from adding the reflection, that in giving assistance to the state of Cracow, in the midst of their provinces, the august protecting sovereigns of that state assuredly never intended to create therein a focus of conspiracies against the tranquillity of their bordering provinces, a point of refuge for revolutionists and malevolents of every description, and a cause of constant disquietude to its neighbours, as Cracow has recently become. The laws and institutions existing in that state being incapable of securing it against the evils and dangers here indicated, it is absolutely necessary to make the modifications which circumstances require; but it is only in the adoption and frank execution of the measures which the courts propose, that the hope to find the remedy for the evil, and an assurance that the government of Cracow is sincerely disposed to fulfil its duty towards the protecting powers, and we may add, towards the state whose existence and prosperity are intrusted to its care. Finally, the undersigned cannot conceal that their high courts will besides consider as a pledge of the sentiments of the senate of Cracow, the care which may be observed as to the choice

of the officers employed in all the branches of the public service; for it is not on seeing persons compromised by their antecedent conduct, and partisans of the late revolution in office, and even holding influential situations, that confidence can be given to the courts. The undersigned avail themselves of this occasion to renew to his excellency the president, and the worthy senate, the assurance of their high consideration.

"V. HARTMAN.

"E. BARON STERNBERG.

"LICHMAN.

"Cracow, June 2, 1836."

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"PRINCIPLES RELATIVE TO THE REORGANISATION OF THE MILITIA.

"The two principal points in question are—

"1. The nomination of a commandant of the militia, in respect to his being a person capable of inspiring perfect confidence as to his political sentiments, and at the same time possessing the qualities necessary to warrant reliance on him as to all affairs of detail; and

"2. The composition of the militia as to officers and soldiers.

"The protecting courts consider it their duty to require as a first qualification for commandant, officers, or soldiers in the militia of Cracow, the not having taken part in any manner in the late revolution in Poland; and, secondly, for being commandant, or for entering the militia as an officer, the having served in the army of one of the three protecting courts, and obtained a regular permission to pass into the service of Cracow. The mode of enrolment shall be preserved for the militia; and the

officers and soldiers of the old militia still surviving, and against whom there exists no personal objection, shall form the skeleton of the new militia. Consent will be given to the augmentation of this corps to 450 men and 40 horse—namely, two companies of militia, properly so called, of 150 men each, and a company of police of 110 men, with 40 horse gendarmes. The commandant of the militia will examine and ascertain the qualifications of the individuals who may offer themselves as officers of the militia, and on his recommendation the senate shall appoint them. In order to be a soldier or sub-officer in the militia, it will be necessary to belong to the state of Cracow, or to be a subject of one of the three powers; to be at least twenty-five years of age, and to recognise a capitulation for six years at least. An individual who fulfils these conditions, besides that of not having participated in the revolution of Poland, who is physically fit for the service, and against whose moral character there exists no objection, may be enrolled by the commandant, on a bounty to be previously stipulated. It will be advantageous to fix the pay of the officer and soldiers of the militia at such rates as may create an inducement to enter into the service, and provision should be made for cases of retirement or being invalided.

“A commission appointed by the senate, in which the new commandant shall take part, will settle the other matters of detail which relate to the formation of the militia, and to which the sanction of the residents will be necessary. It will likewise be necessary to draw up rules of service, and disciplinary and penal regulations, for the militia of

Cracow. As the definitive evacuation of the state of Cracow principally depends on the new formation of the militia on these bases, the three courts expect to be informed as soon as possible of the progress of that formation, and, in case the desired success should not be obtained, it will be for the senate to point out the obstacles in order that the means of removing the same may be taken into consideration.

HARTMAN.”

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“THE PRINCIPLE ON WHICH THE RE-ORGANISATION OF THE POLICE SHOULD BE CONSTRUCTED.

“The police to be properly administered requires unity of purpose, prompt execution, and direct responsibility. The three courts are of opinion, that the supreme direction of the police arrangements at Cracow, nominally the police for foreigners, should be concentrated in the hands of the president, and that to this end the 16th article of the organic statute, which reserves to the president the affairs of the high police alone, should be submitted to modification, and the reservation extended to police affairs generally. There should also be reserved to the president, the appointment, with the concurrence of a committee of senators whom he shall nominate himself, of commissioners and police assistants, and as, according to the 11th article of the constitution, these appointments belong to the senate, the three courts intend to modify the article in question in this respect. The appointment of the head of the police will remain with the senate; but the three courts expect that its choice will be communicated to their residents, in order that it may be seen whether there is any objection to the selection on

their part; for the courts will never consent to see at the head of a branch of the public service so essential for the security of Cracow itself, and for that of their neighbouring provinces, a man who, besides the possession of qualities requisite for that office, does not offer by his previous conduct a perfect guarantee of the rectitude of his political sentiments. The appointment and dismissal of the subaltern police-officers will remain with the head, because he is responsible for the execution of all the police arrangements judged necessary. For facilitating the surveillance of the police throughout the entire territory of Cracow, subaltern officers, under the exclusive control of the head of the police, will be stationed in each district. The head of the police will be furnished with the requisite funds for the secret police, in which he has been hitherto entirely deficient, and for the distribution of which he will be accountable to the president alone. The salary of the head of the police, now fixed at 5,000 fl. Pol. or nearly 1,250 fl. Conv., will be augmented in consequence of the increase of his responsibility. HARTMAN.

THE NEW LAW OR ORDINANCE  
CONCERNING THE ADMISSION OF  
FOREIGNERS INTO CRACOW.

This law will comprehend the following points:—

1. That foreign subjects will not be permitted to enter the territory of Cracow without being provided with regular passports.

2. Permissions to remain will no longer be granted to foreigners not furnished with the regular papers. The subjects of the three protecting courts will be in this case sent back to the country to

which they belong, and the other foreigners will be sent back in the direction in which they came.

3. That punishment will be inflicted, in the event of its not being provided for by an existing law, for the falsification of a passport, certificate, &c.; and the individual who presents the falsified passport will be prosecuted in the state of Cracow. On his being declared guilty, if he should be a subject of one of the three protecting powers, he will be transmitted to his government, and, in case of his belonging to any other government, expelled the territory of Cracow.

4. That the punishment of those who harbour persons not furnished with regular passports, or who fail to give information to the police, will be augmented. The protecting powers, however, do not mean to include in the obligation of producing the passport, the inhabitants of the frontier, when they are known, and do not remain longer than three days on the territory of Cracow. They neither intend to give to this law a retroactive force, as regards persons who may have been previously admitted into Cracow without passports, and who are there engaged in trade or work in service, on condition, however, that there be fixed for those persons a term during which they may provide themselves with the regular form. Finally, the protecting courts intend to allow every facility compatible with their law of police, both for the reception of those individuals who may be returning from the territory of Cracow, and for the furnishing with passports those of their subjects who may wish to proceed to the state of Cracow for satisfactory reasons. It

cannot be admitted that a law like that proposed, and which is based on the simplest rules of good police administration, is contrary to the 8th article of the constitution of the state of Cracow, since surely there should not and could not be imposed on the government of Cracow the obligation of receiving and harbouring all the criminals, the bad subjects, &c.

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MESSAGE OF THE PRESIDENT,  
TO THE 24TH CONGRESS OF THE  
UNITED STATES.

*Fellow Citizens of the Senate and House of Representatives,*—Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained; with no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you and my country particularly on the success of the efforts made during my administration by the executive and legislature, in conformity with the sincere, constant, and earnest desire of the people to maintain peace, and to establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to Him fervent supplications, that this providential care may ever be extended to those who follow us, enabling them to

avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honour of our country. But, although the present state of our foreign affairs, standing, without important change, as they did when you separated in July last is flattering in the extreme, I regret to say, that many questions of an interesting character at issue with other powers are yet unadjusted. Amongst the most prominent of these is that of the north eastern boundary. With an undiminished confidence in the sincere desire of His Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France our diplomatic relations have been resumed, and under circumstances which attest the disposition of both governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connexions with that country are on the best footing, with the exception of the burthen still imposed

upon our commerce by her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp have been presented to the governments of Holland and Belgium, and will be pressed in due season to settlement.

With Brazil, and all our neighbours of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of the governments will permit. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peaceably, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbour, Mexico, an exception.

It is already known to you, by the correspondence between the two governments communicated at your last session, that our conduct in relation to the struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should of itself teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties, of so

much delicacy and importance to the United States, that our character requires that we should neither anticipate events, nor attempt to control them. The known desire of the Texians to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive, by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole ground that the obligations of this government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as a part of Texas, if necessary to protect our own or the neighbouring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honour of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this minister was the more singular, as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted

by me ; and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there in perfect accordance with the principles admitted to be just in his conference with the secretary of state by the Mexican minister himself, or were already withdrawn, in consequence of the impressive warnings their commanding officer had received from the department of war. It is hoped and believed that his government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights, or a stain upon its honour.

In the mean time, the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample and immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico being soon able to execute the treaty on

its part, it is proper that we should be, in anticipation, prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texian Government will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the department of state ; copies of the treaties will be transmitted to you if received before, or published, if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary powers, nor to check the good will which is gradually growing up in our intercourse with the dominions of the government of the distinguished chief of the Ottoman empire.

Information has been received at the department of state that a treaty with the emperor of Morocco has just been negotiated, which I hope will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the secretary of the treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the treasury during the present year will amount to about 47,691,898 dollars: those from customs being estimated at

22,523,151 dollars; those from lands at about 24,000,000 dollars, and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed 22,000,000 dollars, which will leave a balance in the treasury for public purposes, on the first day of January next, of about 41,723,959 dollars. This sum, with the exception of 5,000,000 dollars, will be transferred to the several states in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation, on the first day of January next, are estimated at 14,636,062 dollars, exceeding by 9,636,062 dollars, the amount which will be left in the deposit banks, subject to the draught of the treasurer of the United States, after the contemplated transfers to the several states are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the states.

The consequences apprehended, when the deposit act of the last session received a reluctant approval, have been measurably realised. Though an act merely for the deposit of the surplus monies of the United States in the state treasuries, for safe keeping, until they may be wanted for the service of the general government, it has been extensively spoken of as an act to give the money to the several states, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of

the deposit act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself cannot sanction such a suggestion, and that, as it now stands, the states have no more authority to receive and use these deposits without intending to return them than any deposit bank, or any individual temporarily charged with the safe-keeping or application of the public money, would now have for converting the same to their private use, without the consent and against the will of the government. But, independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognising the principles on which the suggestion has been made.

Considering the intimate connexion of the subject with the financial interests of the country and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and I feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt. But it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the un-

necessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties long who acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists to avert it.

Under our present revenue system there is every probability that there will continue to be a surplus beyond the wants of the government; and it has become our duty to decide whether such a result be consistent with the true objects of our government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury, as it now is, or distributed among the people of the states.

To retain it in the treasury, unemployed in any way, is impracticable. It is besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties than to permit the government to accumu-

late immense amounts of treasure beyond the supplies necessary to its legitimate wants—such a treasure would doubtless be employed, at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the states would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the treasury. The shortest reflection must satisfy every one, that to require the people to pay taxes to the government, merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burthen the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of, or would be likely to be adopted,) inasmuch as there is no mode by which the amount of the individual

contributions of our citizens to the public revenue can be ascertained. We know that they contribute unequally, and a rule therefore that would distribute to them equally would be liable to all the objections which apply to the principle of an equal division of property. To make the general government the instrument of carrying this odious principle into effect would be at once to destroy the means of its usefulness, and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from many of the objections which apply to this principle of distribution. The government had without necessity received from the people a large surplus, which instead of being employed as heretofore and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon the surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belong to the people; but the government has transferred its possession to incorporated banks, whose interests and effort it is to make large profits out of its use. This process need only be stated

to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect, as well as to distribute, such a revenue. About 3-5ths of all the duties on imports are paid in the city of New York, but it is obvious that the means to pay those duties are drawn from every quarter of the union. Every citizen in every state, who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there must, therefore, be made up of monies or property withdrawn from other points and other states. Thus the wealth and business of every region from which these surplus funds proceed must be to some extent injured, while that of the place where the funds are concentrated, and are employed in banking, are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the re-transfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds cannot be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country which are always productive of speculation, and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this nature ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of

the last session, we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus monies to be deposited with the states have been collected, and belong to them in the ratio of their federal representative population—an assumption founded on the fact that any deficiencies in our future revenue from imposts and public lands must be made up by direct taxes collected from the states in that ratio,—it is proposed to distribute the surplus, say 30,000,000 dollars, not according to the ratio in which it has been collected and belongs to the people of the states, but in that of their votes in the colleges of electors of president and vice-president. The effect of a distribution upon that ratio is shown by the annexed table, marked A.\*

By an examination of that table, it will be perceived that in the distribution of a surplus of 30,000,000 dollars upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation, and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalise the burthens which are necessary to support the government, and the adoption of that ratio, while it accomplished this object, was also the means of

adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposit act, compared with the results of a distribution according to the ratio of direct taxation, must satisfy every unprejudiced mind, that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the federal government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the state of Delaware, in the collection of 30,000,000 dollars of revenue, would pay into the treasury 188,716 dollars; and in a distribution of 30,000,000 dollars she will receive back from the government, according to the ratio of the deposit bill, the sum of 306,122 dollars; and similar results would follow the comparison between the small and the large states throughout the union; thus realising to the small states an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large states. It was certainly the intention of that provision of the constitution which declares that

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\* The tables do not accompany the message.

"all duties, imposts, and excises," shall "be uniform throughout the United States," to make the burthens of taxation fall equally upon the people in whatever state of the union they may reside. But what would be the value of such an uniform rule if the monies raised by it could be immediately returned by a different one, which will give to the people of some states much more, and to those of others much less, than their fair proportion? Were the federal government to exempt, in express terms, the imports, products, and manufactures of some portions of the country from all duties, while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large states of the union would not only have to contribute their just share towards the support of the federal government, but also have to bear in some degree the taxes necessary to support the governments of their smaller sisters, but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution when they conferred on Congress the taxing power, and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised of collecting revenue for the purpose of distributing it. Congress is only authorised to levy taxes "to pay the debts and provide for the common defence and general welfare of the United States."

There is no such provision as would authorise Congress to col-

lect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the states or the people. Indeed, it is not probable that such an idea ever occurred to the states when they adopted the constitution. But, however this may be, the only safe rule for us in interpreting the powers granted to the federal government is to regard the absence of express authority to touch a subject so important and delicate as this as equivalent to a prohibition.

Even if our powers were less doubtful in this respect as the constitution now stands, there are considerations afforded by recent experience which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the state governments mainly depend on the fact that money has to be supplied to support them by the same men or their agents who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinise the character of measures which thus increase their burthens. By the watchful eye of self-interest the agents of the people in the state governments are repressed and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which

have, thus far, made us look with so much pride and confidence to the state governments as the main stay of our union and liberties. The state legislatures, instead of studying to restrict their state expenditures to the smallest possible sum, will claim credit for their profusion, and harass the general government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The states would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the general government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by widespread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the old world.

In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are, in a great degree, the source of the surplus revenue, beneficial to one section of the union, and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it;

and any system, therefore, into which it enters, must have a powerful tendency to increase, rather than diminish, the tariff. If it were even admitted, that the advantages of such a system could be made equal to all the sections of the union, the reasons already so urgently calling for a reduction of the revenue, would, nevertheless, lose none of their force; for it will always be improbable, that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished, as it must inevitably be, by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned, is to collect only revenue enough to meet the wants of the government, and let the people keep the balance of the property in their own hands, to be used for their own profit. Each state will then support its own government, and contribute its due share towards the support of the general government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the federal government. There would be some guaranty that the spirit of wild speculation, which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoralization, which are now so prevalent through the land, would disappear.

Without desiring to conceal that

the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the constitution, which authorises the unlimited appropriation of the revenues of the union to internal improvements within the states, tending to invest in the hands, and place under the control, of the general government, all the principal roads and canals of the country, in violation of state rights, and in derogation of state authority. At the same time, the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the states, the suggestion of an amendment of the constitution to authorise its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an overburthened treasury until the government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people, in taxes, than is necessary for its economical support. Even that alternative was not spoken of but in connexion with an amendment of the consti-

tution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connexion with an appeal to the course of all legal power in the general government, the states which have established it. No such appeal has been taken, and, in my opinion, a distribution of the surplus revenue by Congress, either to the states or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the general government and the states, its effects upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculations, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our government, is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent, from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their

peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard in reference to foreign countries by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities recognised by the statutes of some states as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the revolution, had become so justly obnoxious, as not only to suggest the clause in the constitution, forbidding the emission of bills of credit by the states, but also to produce that vote in the convention which negated the proposition to grant powers to Congress to charter corporations—a proposition well understood at the time, as intended to authorise the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of government stocks. Although this proposition was refused by a direct vote of the Convention, the object was afterwards in effect obtained, by its ingenious advocates, through a strained construction of the constitution. The debts of the revolution were funded at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were

largely benefitted by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

Of the establishment of a national bank, it becomes the interest of its creditors, that gold should be superseded by the paper of the bank, as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various states.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorising the establishment of incorporations for banking purposes

now exist, in a much stronger degree, to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity for effecting this great good, will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather of a depreciation of the currency by excessive bank issues, is always attended by a loss to the labouring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in

their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the labouring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a justly-proportioned rate to that of the products of their labour. When thus by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate, and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labour produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries; and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities. The next step is a stoppage of specie payment, a total degradation of paper as a currency, unusual depression of prices, the ruin of debtors, and

the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people, to prevent the continuance of that institution; but, although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the constitution. In the acts of several of the states prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up, in due time, by the enactment of state laws banishing from circulation bank-notes of still higher denominations, and the object may be materially promoted by further acts of congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and over-issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers

in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the government by a credit on the books of the bank. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the general and state governments to adopt all legitimate and proper means to produce that salutary effect. Under this view

of my duty, I directed the issuing of the order which will be laid before you by the secretary of the treasury, requiring payment for the public lands sold to be made in specie, with the exception, until the 15th of the present month, in favour of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation and retarded its progress in monopolising the most valuable of the public lands. It has tended to save the new states from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has greatly tended to keep open the public lands for entry by emigrants, at the government prices; instead of their being compelled to purchase of speculators at double or treble prices; and it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find in the motives which induced that order, and the happy consequences which will have ensued, much to commend and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual

settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the general government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new states in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realise the expectations entertained as to the capacity of the state banks to perform the duties of fiscal agents for the government at the time of the removal of the deposits. It was alleged by the advocates of the bank of the United States, that the state banks, whatever might be the regulations of the treasury department, could not make the transfers required by the government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges performed through discounts by the United States bank and its twenty-five branches were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amount of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States bank, in estimating

what they consider the domestic exchanges transacted by it, the result will be still more favourable to the deposit banks.

The whole amount of public money transferred by the bank of the United States, in 1832, was 16,000,000 dollars. The amount transferred and actually paid by the deposit banks in the year ending the 1st of October last was 39,319,899 dollars. The amount transferred and paid between that period and the 6th of November was 5,399,000 dollars, and the amount of transfer warrants outstanding on that day was 14,450,000 dollars, making an aggregate of 59,168,899 dollars. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity, and the rate at which the exchanges have been negotiated previously to the passage of the Deposit Act were generally below those charged by the bank of the United States. Independently of these services, which are far greater than those rendered by the United States bank and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavour to create, in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further

steps which may be taken to prevent the excessive issue of other bank paper, but it is to be hoped that nothing will now deter the federal and state authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government, your particular attention is invited to those articles which constitute necessities of life. The duty on salt was laid on as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favour of releasing the poor of our cities from burthens which are not necessary to the support of our government, and tend only to increase the wants of the destitute.

It will be seen by the report of the secretary of the treasury, and the accompanying documents, that the bank of the United States has made no payment on account of the stock held by the government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition which Congress authorised the secretary to collect at their last session; such measures as are within the power of the executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present con-

dition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the 3rd day of March last, and it has now no power but that given in the 21st section "to use the corporate name, style, and capacity for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation."

Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or re-issue its notes after the expiration of its charter cannot be denied, and that it could not confer any such right on its substitute any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by

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public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their re-issue is sanctioned by no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their re-issue, by the new corporation, for their own profit, is a fraud on the government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner, and without his consent, are again re-issued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the executive and judiciary. It remains to be seen whether the persons who, as managers of the old bank, undertook to control the government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency, use the 7,000,000 dollars of government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of re-

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covering it into their own possession.

The lessons taught by the bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands, and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their state governments.

It is believed that the law of the last session regulating the deposit banks operates onerously and unjustly upon them in many respects; and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent the consequence.

The report of the secretary of war *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of government before the termination of your last session, you are already acquainted; and it is, therefore, only needful in this place to lay before you a brief summary of what has since occurred. The war with the Seminoles, during the summer, was, on our part, chiefly confined to the protection of

our frontier settlements from the incursions of the enemy; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice, in respect to the former, by granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for the placing at the disposal of governor Call, who, as commander in chief of the territorial militia, had been temporarily invested with the command, an ample force, for the purpose of resuming the offensive operations in the most efficient manner, as soon as the season should permit. Major General Jessup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida, and assume the command.

The result of the first movement made by the forces under the direction of governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the meantime, as it was feared that the health of governor Call, who was understood to have suffered much from sickness, would not be adequate to the crisis, and as major general Jessup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all

needful operations with the utmost promptitude and vigour. From the force at his disposal, and the dispositions he has made, and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the meantime, as you will perceive from the report of the secretary, there is urgent necessity for further appropriations to suppress further hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians, and the cause of their hostilities, requested by the resolution of the House of Representatives of the first of July last, to be made by the president, is now going on through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the war department, and still continued.

The discretionary authority given to general Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the fron-

tier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station; but the officer who has succeeded general Gaines has recently been advised that, from the facts known at the seat of government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year for the service of militia volunteers have furnished new proofs of the patriotism of our fellow citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject submitted by the secretary at war in his report meet my entire concurrence, and are earnestly recommended to the deliberate attention of Congress. In this connection it is also proper to remind you, that the defects of our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this arm of defence has been so

repeatedly presented to Congress by myself and predecessors, that I deem it sufficient on this occasion to refer to the last annulled message, and to former executive communications, in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee than were sufficient to meet the requisition which had been made by the secretary at war upon the governor of that state. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops, and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under the circumstances authorising them to believe that their services were needed, and would be accepted, that the expenses incurred by them while absent from their homes should be paid by the government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connexion with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary in some cases to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I

would also respectively suggest whether some provision may not be made, consistently with the principles of our government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the monies granted at your last session accordingly remains unexpended; but as the work will again be resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the Engineer corps, and for a re-organization of the Topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced during the present year, in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions directed by recent laws have been suspended in consequence of the want of adequate force in these corps. The like observations may be applied to the Ordnance corps, and the General Staff, the operations of which, as they are now organized, must either be frequently interrupted, or per-

formed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the military academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein for legislative action I would particularly notice the suggestion of the secretary of war for the revision of the pay of the army as entitled to your favourable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this government for the removal of the Indian tribes originally settled on this side of the Mississippi, to the west of the river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affair generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the commissioner of Indian Affairs, and enforced by the secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary for the double purpose of protecting the Indians from intestine

war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions, which otherwise will assuredly be made on it. The best hopes of humanity, in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honour of the United States, are all deeply involved in the relations existing between this government and the emigrating tribes. I trust therefore, that the various matters submitted in the accompanying documents, in respect to those relations will receive your early and mature deliberations, and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the secretary of the navy for a satisfactory view of the operations of the department under his charge, during the present year. In the construction of vessels at the different navy yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world, has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorised by the act of last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the government to fit out the expedition on a scale corresponding with the liberal ap-

propriation for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the postmaster-general presents a gratifying picture of the condition of the post-office department. Its revenues for the year ending the 30th of June last, were 3,358,455 19 dollars, showing an increase of revenue over that of the preceding year of 304,878 53 dollars, or more than eighteen per cent. The expenditures for the same year were 2,755,623 76 dollars, exhibiting a surplus of 642,831 43 dollars. The department has been redeemed from embarrassment and debt, has accumulated a surplus exceeding 500,000 dollars, has largely extended, and is preparing still further to extend, the mail service, and recommends a reduction of postages equal to about twenty per cent. It is practising upon the great principle, which should control every branch of our government, of rendering the public the greatest good possible, with the least possible taxation to the people.

The scale of postages suggested by the postmaster-general recommends itself, not only by the re-

duction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws, providing for the making of contracts, are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or afterwards, and the power of the postmaster-general to pay them high prices is practically without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe, by law, some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the postmaster-general; on the contrary, it promises, by the security it will afford, to facilitate commercial transactions,

and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the provincial post-office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest, as by comity to the adjoining British provinces.

The expediency of providing a fire-proof building for the important books and papers of the post-office department, is worthy of consideration. In the present condition of our treasury, it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for the department, in favour of placing it near the other executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years, under the general direction of the executive and the superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each state in the Union which added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the Treasury Department during the last year. A special report from the secretary of

the treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole, the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year, with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent, and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the Treasury Department to the Committee of Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provision in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that such being the inconvenience of attention to these duties by the chief magistrates, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey, and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers, organized specially for that purpose, or on the navy board

attached to the navy department.

All my experience and reflection confirm the conviction I have so often expressed to Congress, in favour of an amendment of the constitution, which will prevent, in any event, the election of the president and vice-president of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message, not acted upon, particularly that relating to the want of uniformity in the laws of the district of Columbia, that are declared worthy of your favourable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation.

I having now finished the observations deemed proper on this, the last occasion I shall have of com-

municating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficulties and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favour bestowed on me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country, and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the patriotism and intelligence of those who will succeed me. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects. I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted for the continuance of his blessings on our beloved country.

ANDREW JACKSON.  
Washington, December 6, 1836.

## MANNERS, CUSTOMS, &c.

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### ANECDOTES OF LEOPOLD ROBERT.

[*From the Cabinet of Modern Art.*]

LEOPOLD ROBERT was born at Chaux-de-fonds, in the canton of Neuchâtel, in Switzerland, on the 13th of May, 1794. His mother, happening to be in feeble health at the period of his birth, was compelled to send him from home to be nursed, according to the custom of her country, upon goat's milk. Without having it in their power to afford him an elaborate education, his family, whose means were limited, did nevertheless their utmost to procure for him the best instruction, moral as well as intellectual; and in a letter to one of his most intimate friends, written a short time before his death, he speaks with an affection, truly filial, of the tenderness shown him by his mother, and of the bright example which she presented in her own person of that faith which has survived, in such native purity, in some of the wildest fastnesses of Switzerland. From his earliest years, he manifested a decided taste for the art in which he afterwards became so great a proficient. At the age of seven years he was domiciled in a respectable boarding-school, at some distance from the place of his birth, where he applied himself so intensely to his studies, that his

health became impaired, and it was necessary to restore him to his native air of Chaux-de-fonds. Arrived at the age at which it became necessary for him to think of a pursuit, he entered into trade. After experiencing many mortifications, arising chiefly from the uncongenial nature of his occupation, he returned to his friends, and employed himself for some time in copying such indifferent engravings as chanced to fall in his way. The chasteness and spirit of these transcripts, satisfied his friends that painting was the profession in which he was destined to distinguish himself. A young engraver, of the name of Girardet, had lately arrived at the critical juncture to which we have alluded, at Chaux-de-fonds, for the purpose of marrying the daughter of the Protestant minister of the village; and at the request of Robert's friends, took him back with him to Paris. He became, in short, his master and director; and it was in his house that the first years of his residence in Paris were passed. Girardet was engaged in an inferior branch of the profession, and possessed but slender talent. Robert soon discovered that there was little chance

of acquiring any proficiency, even in the art of engraving, under such a master; and he accordingly determined to obtain admission to the studio of some painter of distinction, where he might pass a limited portion of his time, without quitting the roof of Girardet. Fortunately for him, he selected that of David.

The proficiency obtained by the young painter during the earlier part of his probation, was not, however, of a kind to satisfy the ardent anticipations of his parents. "They had other children (says he in a letter) and could not afford to sacrifice them all to me. Discontented with the apparently unsatisfactory result of my studies, my mother resolved to repair to Paris herself, for the purpose of satisfying herself personally, as to what hopes they might fairly entertain of my ultimate success. She waited on David, who gave her every encouragement; and she returned home with the conviction that it was the duty of my father and herself to persevere in supplying me with the means of pursuing my studies in Paris. My object was to obtain admission into the French academy at Rome, and in my first attempt I obtained the second prize. Two years afterwards, nothing doubting that the first would follow, I became once more a candidate; but political excitement, that Upas tree alike to belles lettres and the fine arts, put an extinguisher on my hopes; and with a heavy heart I once more retraced my steps homeward, having already occasioned my exemplary parents expenses which nothing short of personal privations could have enabled them to incur. In spite of the untoward circumstances under which I pre-

sented myself, however, I was received with demonstrations of the fondest affection, not only by my father and mother, but likewise by my brothers and sisters. The gratitude to which these cordial tokens of affection gave rise, had an important influence on my after life. I have never omitted to consult that sentiment on all occasions—it has been the moving spring of my actions; and the more imperatively so, that the sacrifices which I occasioned, have been, (I cannot conceal it from myself), in part the cause of circumstances which, some years afterwards, brought heavy misfortunes upon my family. It is with agony that I reflect on this fact. Thanks to the instruction I received from M. David, I had by this time acquired enough of expertness in my art to be enabled to occupy myself, whilst under my paternal roof, in a manner sufficiently lucrative to prevent the necessity of further sacrifices in my behalf. At Neufchâtel, I formed an intimacy with a Monsieur de Roulet Mezerai, an amateur of the fine arts, who had resided with his family, in Italy, for several years; and who, impressed with the belief that there was no place like Rome for a young painter, prevailed on me to visit it. To avail myself of this suggestion, however, it was necessary that I should obtain pecuniary means, and I would rather have descended at once to the condition of a peasant, than have occasioned my family any further expense on my account. M. de Roulet was informed of my position, and made me a very disinterested proposal. He undertook to furnish me with the means of studying and working for three years; contenting him-

self with the understanding that I should repay him his advances when I should be in a condition so to do. You may readily imagine that I accepted his offer with gratitude; and I departed for Rome, with the determination to achieve the object of my ambition or die. I had the good fortune to make many friends in the eternal city, and some, whose advice induced me to abandon engraving for painting. My constitution must have been very strong to bear up as it did, under toil the most unremitting, even to the extent of imprudence, and against the trouble and chagrin occasioned by unhappy tidings from home. At length, however, thanks to the Great Disposer of events, after long anxiety as to my success, towards the close of the third year I began to hope. I had some dozen of pictures finished, upon which the artists of Rome bestowed their eulogies, and which were attractive from their originality. I had obtained from the authorities of Rome permission to have an atelier in a place in which were assembled more than two hundred mountaineers, men, women, and children, all relatives of the brigands who infested the mountains, and all of whom wore costumes such as are not to be met with elsewhere. Here I passed several months; and after having executed a few pictures, I purchased the dresses to aid me in making more at home. I was never possessed of the tact necessary for pushing myself amongst the amateurs, who resided in great numbers at Rome; and my timidity at that period was so great as to stand a good deal in my own way. An artist, however, brought one day to me, *M. le Colonel*

*de la Marre*, who resided at that time in Rome. My pictures pleased him; he introduced his friends and acquaintances to me; and the most remarkable success was the result. This piece of good fortune arrived at a most seasonable time. I had already been obliged to request *M. de Roulet* to continue his assistance a little longer, to enable me to get through the winter; and it was at this critical moment that fortune began to look on me with a favourable eye. At the end of a few further months, I found myself in a position to desire that my parents would send my younger brother to me, who was already occupied in a branch of the watch-making business at home. Aware of his dislike to the mechanical arts, and remembering that he had exhibited some inclination for drawing, I urged upon him the advantages of such a change of condition. On his side, too, the temptation of my dawning fortunes naturally inclined him to adopt my proposal. I had contracted a considerable debt to my family, and another to *M. de Roulet*; and could have no rest till these sacred obligations should be discharged. With this view, I executed a great quantity of small pictures, which facilitated my means at the moment, more than others by which I might perhaps have been ultimately a greater gainer. I had another cause of anxiety in my doubts as to my brother's success; and was fearful of engaging him at once in the "grand style,"—which offers prospects to those only whose talent is of the most distinguished order. I conceived the idea of making him begin upon a collection of drawings after my own pictures—a plan in which he took much interest, under the impres-

sion, that the speculation of engraving them would be an advantageous one for us both.

"It was not till some years after the arrival of my brother, that I had entirely discharged my obligations ; but I still remained without any advance as regarded my own fortunes. I could not, therefore, prudently, think of marriage ; the less so, that, on that subject I have very strong opinions, and have always feared to make a wife and children share in my uncertain position. I have, at the same time, never harboured the notion of selecting a wife from interested motives. Do not, I entreat you, imagine that it betokens a barrenness of heart on my part, or that I am like a great number of men, who shrink from marriage because they regard it as a tie which may restrain them in the career of a libertine and unregulated life. I am too much a lover of order and of tranquillity for that ; and I have always looked upon a well-assorted union, as the best happiness attainable by man. If I have some regrets that that happiness is not mine, I ought to add, that I have, also, some compensations. The comfort of having always happy tidings to convey to my family, in which all its members could share, has constituted hitherto my greatest happiness. My poor mother, who loved her children so dearly, afforded me the joy of having her with me for some time, at Rome. Oh ! had not this been so, how much heavier had been her loss to me ! I am much occupied with my painting ; just now exclusively so. I feel as if there was a gift within me, which I would fain bring to the light of day, and in the consciousness of which, I am sustained and

look calmly to the future. If rewards or honours await me, I shall receive them, certainly, with pleasure ; but I can truly say, that I torment not myself for their attainment. A quiet and contemplative existence seems to me far preferable to the agitation of an ambitious spirit ; and what contents me is, that the farther I go the more certainly do I discover that that calm,—which at first, had *ennui* and sadness, and dissatisfaction for its companions,—becomes habitual to me."

His first picture of any consequence was "*L'Improvisateur Napolitain*," and it opened for him in Paris a career of success which went on increasing with each successive exhibition. In 1824, Robert became a member of the royal academy of the fine arts at Berlin. In 1827, he completed his magnificent picture of "*La Madonna del Arco*," which was purchased by the French government for the gallery of the Luxembourg ; and which, now that its painter is no more has been removed, in accordance with the rule which applies to the works of a deceased painter, to the Louvre. This picture was the first of a series of four, which he had formed the design of executing to represent the four seasons of the year, as seen in different parts of Italy. The festival of the *Madonna del Arco*, the subject of the one in question, takes place at Naples in the spring. The second of the series was intended to represent the harvest of the Pontine marshes. In the third he proposed to exhibit a picture of the vintage, in Tuscany ; and for his fourth, the scene of which was to have been Venice, he had originally intended to paint some scene of the carnival, but he finally chose for it the

departure for their distant fishing-grounds, of the fishermen of the Adriatic.

In 1828, after an absence of ten years, Robert revisited his native country, and had the affliction, almost at the moment of his arrival, to lose his amiable and affectionate mother. It was on his return to Rome, that he executed his celebrated picture of "*Les Moissoneurs*," the second of the series to which we have already alluded,—a painting which combined the purer drawing of David with the breadth of handling, boldness of composition, and warmth and vigour of colour, of Horace Vernet. For this picture, he received, in 1831, the decoration of the Legion of Honour, from the king of the French; who with a discrimination worthy of a monarch, purchased it at a liberal price. Robert's reputation had, however, been already sufficiently established by his previous works.

After a brief sojourn in Paris, Robert repaired to Florence, with a view to the execution of his third picture,—that of the Tuscan vintage. This portion of his plan, was, however, never executed; owing to some peculiar circumstances which exercised a fatal influence over the remaining years of his existence, and induced him to quit Florence for the purpose of taking up his abode in Venice. The circumstances are said to have had reference to an unhappy attachment, which Robert had formed for the daughter of an Italian nobleman, of high rank. At Venice, Robert set about the execution of the last and noblest of his works, — the departure of the fishermen for the Adriatic; and this, his crowning labour, was prosecuted amidst

influences which were gradually destroying his intelligence. A manifest change became gradually visible in his deportment, and a still more obvious alteration took place in his bodily health. Attended with the most assiduous affection by his brother Aurele, who had remained with him from the period of his first visit to Rome, he wanted nothing, which the most devoted fraternal love could supply; but during the greater part of the progress of his work, he was silent and melancholy, complaining frequently of the most intense and agonising pains in his head. On the morning of the 20th of March, 1835, after the completion of the picture, Aurele having passed a long and anxious vigil by the bedside of his brother, retired to his own chamber to snatch an hour's rest before he began the labours of the day; leaving his patient in what he supposed to be, a deep slumber. Intending to return in an hour or two at farthest, he took with him the key of their atelier. Having somewhat overslept himself, he hastened into his brother's room, in the morning, fearing lest he should have been inconvenienced by his inadvertence. He had, however, risen and dressed himself without assistance, and was no where to be found. On entering the atelier, Aurele discovered him on the floor before his picture, weltering in his blood. The vital spark had fled for ever. A post-mortem examination clearly established the existence of great and most excruciating bodily disease. A quantity of water was found suffused upon his brain; and the singularity of his conduct for some weeks previous to his death, satisfactorily accounted for the unpremeditated act which was the

immediate cause of his dissolution. Both mind and body had sunk under the accumulated toil and anxiety he had undergone.

A few days only before his death, and after his picture had been received, from the gallery in which it had been exhibited in Venice, the viceroy, together with

all the most distinguished amateurs of that city, waited upon Robert, for the purpose of tendering him their congratulations. "But of what avail is all this success, all this glory," (said he to his brother the day before his death,) "they fill up no part of the weary void in my heart."

#### THE PRESENT STATE OF CIRCASSIA.

[From Chev. Tailbout de Marigny's *Three Voyages in the Black Sea.*]

The Circassians at the present day offer the astonishing spectacle of a free population, which has always preserved itself in an *almost barbarous\** state, although surrounded by more civilized nations. They are scattered as far as the summits of the highest mountains, divided by populations of distinct denominations, and forming so many small feudal republics, of which some princes are the chiefs. The Turks alone, since the conquest of the eastern empire, have kept up commercial relations with them; and, without endeavouring to subdue them, they are contented with the possession of Anapa, a fortress situated at the northern extremity of the coast, and eight leagues from the mouth of the Kuban, which serves as the boundary of Russia. It is there that they have established their market with the Circassians, of whom they receive boys and girls, corn, wax, honey, hides, skins, &c., in exchange for merchandise brought annually from Constantinople and Anatolia. This commerce, which introduces the plague among them, and carries away their children,

necessarily occasions a marked diminution in the population. An enthusiastic love of independence, and an heroic valour which nothing can subdue, renders them formidable to their neighbours. Accustomed from the tenderest age to violent bodily exercise, and to the management of arms and horses, their only knowledge of glory is that of vanquishing the enemy, and of shame, that of flight; we see them, therefore, dashing across their frontiers, pouncing upon their neighbours, ravaging their lands, carrying away their flocks, and reducing to slavery all those whom their arms have spared. Even the sea offers no obstacle to their spirit of plunder: embarking in frail barks, they frequently seize on the vessels which approach their coast. Nevertheless, a usage which is not generally known, but which is also found amongst many other barbarous nations, tends to dissipate the fears of the traveller who comes to visit them. It consists in choosing a host called a *Konak*, whose name it is sufficient to know to put oneself under his protection. This individual is henceforward, in the eyes of his countrymen, the guarantee of all the actions of his protégé, to whom he shows every

\* In the original the epithet is "primitive."

mark of the greatest hospitality, and whom he protects from every insult. [*Notwithstanding their love of plunder*, these people are gentle and susceptible of friendship; this is more particularly remarked amongst the Noutakhaitsis, who amount to 5,350 families, and who are the allies of the Chap-soukes, their neighbours, who are renowned for their bravery, and whose numbers may be estimated at 10,000 families\*.]

The incursions of the Circassians into the territory of the Tchernomorski Kosacks, and the reprisals of the latter, keep up a continual war on the frontiers which Russia has for the last forty years fixed as the boundary of the empire. The Russian government has from time to time sent thither troops which, in a country very little known, and of difficult access, have very rarely obtained any marked advantages [and these violent means have only rendered still more fierce, men who conceive themselves to be invincible in their mountains†.] During the last war‡ with Turkey, the capture of Anapa in 1807, and in 1811 that of Soudjouk-kalé, a small fort seven leagues to the south, and defended by the Turks, would have been of some advantage if they had not been restored to the Grand Seignor at the peace of 1818||. At the present day, Soudjouk-kalé is deserted, and Anapa, whose fortifications have been increased, is commanded by a pasha.

During the five years in which the Russian flag waved over this fortress, some Christian speculators attempted within its walls to carry on a small commerce with the Circassians. Although it was not sufficiently important to produce a change in their minds [many of them appeared desirous of forming relations with Russia,\*], it gave reason to hope that it would be possible in time to establish friendly relations between the two countries. Madame Catherine Bouholtz, the wife of the general who commanded at Anapa, a descendant of a Circassian family, from which she had been carried away at the age of fourteen, used every means in her power to inspire confidence in her countrymen, and to attach them to Russia. In 1811, this lady received with kindness a Genoese of the name of M. Scassi, who had been attracted by commerce to Anapa, and she induced him to give more extension to his affairs, by making acquaintance with some Circassian chiefs. In 1814, after the surrender of Anapa, M. Scassi, who had returned to Russia, asked the government for a transport, in order to convey salt to the roadstead of Pchiate, and to export timber for the arsenals of the imperial navy. He obtained it; and under the protection of Prince Mehmet Indar Oglou, M. Scassi, with the crew of the Russian transport the "Danube," landed at Pchiate, where he was well received.

The Duke de Richelieu, who had been the soul of this first expedition, conceived from that time forward the project of terminating a fruitless war, and establishing commercial relations with Circassia.

\* This sentence is added by the Russians.

† The sentences within brackets are omitted in the Russian edition.

‡ The war here alluded to is the war which was terminated in 1812 by the Peace of Bucharest.—Ed.

|| This is altered from the original.

\* Omitted in the Russian edition.

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The Russian government approved of the plan, and M. Scassi, attached to the Department of Foreign Affairs in 1817, was charged with its execution. He received for

this purpose from the Emperor Alexander a gift of a thousand pounds of salt from the salt works of the Crimea.

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### INVASION OF CIRCASSIA BY THE RUSSIANS.

On the 14th of April, Russia declared war against the Porte, and shortly after a squadron of eight ships of the line, four frigates, and twenty-one corvettes, transports, and other ships, commanded by vice-admiral Greigh in person, sailed from Sevastopol to attack Anapa. They had on board two regiments of chasseurs, amounting to about 2,200 men, and a company of artillery under the command of prince Menstchikov. Colonel Perovsky, who was appointed the first in command in the general's staff, received at the same time orders to join him under the walls of Anapa, by traversing the Boughaze, and occupying the neck of land of Djimaité: for this purpose he had 3,000 men under his command, infantry, artillery, Kossacks, and eighty Tchernomorski Circassians, commanded by Sultan Selim Gherei. He was not to march until he should perceive the squadron on the horizon; but having remarked that the enemy watched his movements, he feared, with reason, that they might come in great numbers and obstruct his passage. To avoid this, he determined to send some Kossacks to occupy the neck of sand. They successively seized two Noutakhaitsi, one of whom was the nephew of prince Navrouzokou.

On the 29th, colonel Perovsky sent the Ataman Bézkrvnoi, at

the head of 500 horsemen, a company of infantry, and five guns, to occupy Djimaité. All the inhabitants of this village had retreated to the mountains, having previously set fire to their houses.

The squadron at length appeared on the 2nd of May, and anchored the same day at Anapa. The bad weather, which during three days, prevented any vessel from approaching the coast, placed colonel Perovsky in the greatest danger, for several thousand of the Noutakhaitsi cavalry attacked him on his arrival in the plain of Anapa, and their number was afterwards considerably augmented by Circassians belonging to other tribes. It is fortunate that the garrison of the place, amounting to 7,000 Turks, did not unite their efforts to theirs at that period, by making a sortie. What had been said for several years past of the attachment of the Noutakhaitsi for Russia might have led to the hope that, at least, they would have consented to have preserved a neutrality, and it was consequently useless to employ a great number of troops in the siege of Anapa.

On the 5th, the sea being then calm, prince Menstchikov was enabled to effect his disembarkation.

On the 6th, the squadron cannonaded Anapa from 9 A.M. to 5 P.M.; the troops had to sustain some vigorous attacks on the

part of the Circassians, supported by some hundreds of Turks.

Some cruisers detached from the squadron seized upon four Turkish vessels, on their way from Trebisond to Anapa, with 940 officers and soldiers; some days before the arrival of the squadron 2,000 had been brought thither.

On the 8th the trench was opened.

In spite of the difficulties which were to be encountered, the labours of the siege advanced rapidly. A bridge, 260 feet long, was constructed, which secured the communications between the two shores of the Boughaze; and in order to avoid extending the line of his troops, prince Menstchikov cut off the communications of the place with the Circassians, by means of a moveable column. This operation forced the Pacha to make a vigorous sortie on the 23rd of May, o. s., at the head of 1,000 men and five pieces of artillery. It was repulsed, and he lost a gun, taken by the young count Tolstoi, at the head of some Tchernomortsi Circassians.

Anapa was pressed still closer, and everything seemed to announce pacific dispositions on the part of the Circassians of the neighbourhood, when, on the 28th of May, (9th of June), at break of day, crowds of these mountaineers immediately covered the heights which commanded the town, and fell upon the outposts: on the other hand, the garrison took advantage of this unexpected attack to make a sortie. The loss of the Russians was at first considerable: 175 grenadiers of the brave 13th and 14th Chasseurs were the most regretted, but prince Menstchikov soon avenged them. The Turks were in part cut off from the

town and repulsed by the bayonet, as far as the sea, where many of them perished. Those who endeavoured to save themselves on the southern side, precipitated themselves from the summit of the rocks, and expired on the spot. The mountaineers were also put to the route, and were pursued by the Russians for twelve wersts.

After this affair, prince Menstchikov gave orders to burn all the Circassian houses situated in a line of fifteen wersts from Anapa.

The siege thenceforth made perceptible progress; the works were carried to within 160 yards of the town, and the guns of the bastions, struck by the Russian artillery, were dismounted. The major part of the troops which had made the last sortie had not been able to return to the town, and had been forced to seek for refuge among the mountains.

Of ten Turkish merchant vessels, which were at anchor before Anapa at the beginning of the siege, three were sunk, and three more seized by armed schooners, under the command of the captain of the frigate "Niemtinov."

The entire success of the affair of the 28th of May, had allowed a line of circumvallation, reaching on both sides to the sea, to be firmly established. After some days, the works were carried as far as the glacis, and on the 10th, (22nd) of June, the descent into the ditch being rendered practicable, and three breaches having been opened, the Pacha was, for the last time, summoned to surrender himself a prisoner of war, with the garrison. He at first insisted upon the right of retaining arms and baggage, declaring, that if this were not granted, he would defend himself to the last extremity: the negotia-

tions were then broken off; and they were already preparing for the assault, when the deputies of the town returned, and announced that it surrendered at discretion.

On the 10th, (23rd) of June, at noon, Anapa was occupied by the Russian troops, who entered it, preceded by a priest in sacerdotal habits, and holding a cross in his hands. The garrison was reduced by death, and by the flight of great numbers of officers and soldiers to the mountains, to about 4,000 men; eighty-five pieces of cannon, all of brass, and abundance of warlike stores and provisions, fell into the hands of the Russians.

The garrison of Anapa was sent into the Crimea, and only a few hundred married people obtained permission to return to Anatolia; some neutral vessels transported them thither. Sixty-four Tatar-Adalis, and two old women, obtained permission to remain at Anapa.

On the arrival of the Russian troops, Osman Paeha had sent the greatest part of his riches into the mountains, which he wished to obtain again, when, being made a prisoner of war, he was forced to leave his fortress, and go to the Crimea. The Circassians, always ready to take advantage of any means of procuring property for

themselves without trouble, made him the following answer:—

“Not only will we restore you nothing, but we will come and examine the walls of Anapa, in order to judge of the facility with which you yielded it to the Russians. We owe it to the sultan, our lord, who had confided to us, as well as to you, the defence of his fortress, to which we were about to send immense succours.”

Other Turks, who had retired to the mountains with their possessions, experienced a much more wretched fate, for nothing was restored to them, and they would not suffer them to depart.

On the 5th of April, 1832, on the proposal of the minister of finance, in Russia, the council of ministers issued a notice, approved by the emperor, regarding the permission to form establishments on the north-east side of the Black Sea, and in the bays of Soudjouk-kalé and Ghélendjik. All the peasants of the crown, citizens and merchants, who should establish themselves there, were to be for twenty-five years free from all taxes and duties, and from the obligation of military service, with the exception of that of their own personal defence against the mountaineers.

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#### CLASSES OF SOCIETY AMONG THE CIRCASSIANS.

There are two kinds of princes, the *Khanouks*, who are not very numerous, and the *Pchis*.

The second class is composed of nobles, some of whom become very

powerful by allying themselves with numerous families [and bear the title of *Vorks* or *Usdenes*; they are allowed, as well as the princes, to wear red shoes.]

The vassals very much in the same manner as those who existed in Europe in the feudal ages, live from father to son in dependence, under a prince whose fields they cultivate in time of peace, and whom they defend in time of war. Each of them possesses some land and some cattle, over which the prince has no right: he has none likewise over the vassal himself, nor over his family, which, if they should be discontented, are free to go and fix themselves elsewhere. It is only by his right of punishment that the prince can sell them, and in such a case the affair must be judged by an assembly.

These classes differ but little in dress, and in their domestic habits, the most perfect equality reigns amongst them.

We may add to these a fourth class; viz., the captives made slaves in their excursions, whom they either sell to the Turks, or keep amongst themselves: their children in general all become vassals. I think the number of Russians included in this last class may be estimated at about 3,000.

[\* All strangers who fall into their hands, having no Konak, form likewise a part of this class; they are treated with humanity.]

It is difficult to imagine how these people, who have slaves themselves, and to whom liberty is the first of blessings, can persuade themselves to sell their children. A father has this right over his offspring; a brother over a sister, when deprived of their parents; and a husband also can sell his wife if she be guilty of adultery. To be sold is often the sole wish of a pretty girl, because she is then certain of filling a place in a Turkish harem, which they prefer to their Circassian mode of life. It is no rare occurrence to see some of them return to their country after having obtained their liberty. The accounts which they bring back of the joys of these voluptuous prisons, and the sight of the presents with which they return, suffice to determine the fate of many, who request to be sold. Few of the princes, however, sell their children.

\* This is added in the Russian translation.

#### ADMINISTRATION OF JUSTICE IN CIRCASSIA.

Two Circassians possessed some lands in common, upon which grew a tree which was stripped of its bark by one of the two proprietors; he soon after ceded his share to his companion, and went to reside in another district: the tree withered, and in order to bring it to the ground the proprietor set fire to it; whilst it was burning, a man wishing to approach in order to light his pipe, was crushed by its fall. The family of the deceased attacked the proprietor, and de-

manded of him the price of the man whose death he had caused. The practice was an established one: it seemed as if he could have nothing to oppose to it, when convoking an assembly, he proved that having only set fire to the tree because it was dead, the former proprietor ought to be condemned to make the payment, because the thing would not have happened if it had still preserved its bark. The whole assembly applauded him, and decided the cause in his favour.

A prince seeing a goat in his field, gave orders to his vassal to drive it away; the latter having broken its leg with a blow of a stone, wrapped it up in a piece of cloth. The animal returning to his master, went too near the chimney, and set fire to the bandage: the pain which this occasioned made him run away over a field of wheat belonging to the house, to which the flame was communicated, and the wheat was soon consumed. The cause was tried, and the prince who had given the order was obliged to pay all the damages.

A sportsman having fired at a fox, which, in escaping, dispersed a flock of geese; the latter, in their noisy flight, frightened a horse,

which threw and killed its rider. The relations of the deceased cited the master of the horse before the old men: he easily justified himself by stating the cause which had rendered his horse ungovernable: the master of the geese was then summoned, who proved in his turn that the sportsman had been the cause of this misfortune, and consequently the latter was condemned to pay the fine.

Almost all causes are tried in a similar manner by national assemblies held in a wood, and presided over by princes, and according to a code of ancient customs, which are become laws sacred in the eyes of the Circassians.

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#### CIRCASSIAN RELIGIOUS RITES.

The priests do not form a separate class in Circassia. In their youth they have been seen to shed their blood in battle, and the approach of the enemy still calls them to arms. They officiate with bare heads, clothed in a *Bourka*; and standing before the cross, they commence by the propitiatory sacrifice of a sheep or a goat—in great solemnities the victim is an ox: before sacrificing it, the old man, with one of the small tapers attached to the foot of the cross, burns some of the hair of the victim on the spot where the blow is to be struck, and pours some *Bouza* on its head. Several young people, chiefly slaves, stand behind him, bearing cups filled with this liquor, and slices of unleavened bread stuffed with cheese. After the sacrifice, the old man takes one of these cups and some bread to make an offering to the Supreme

Being: he then blesses them, and gives them to the eldest of the society, who eats and drinks of them. The young people present him with some more, of which he makes an offering to *Merissa*, and which he gives to another old man. The same ceremony is repeated to all the divinities, to whom different prayers are addressed. After having concluded them, the minister fixes, according to his own pleasure, a day for another meeting, which generally takes place once a week—either Saturday, Sunday, Monday, or Tuesday, and never on any of the three other days: he also gives notice of the effects which have been lost or found; but the latter are seldom heard of, for the Circassians are fond of keeping them. Finally, the flesh of the victim serves as a repast, to which are added some other provisions brought by each

family, and the whole is generally concluded with dances, games, and races: the head of the victim is consecrated to the Creator, and placed on the branch of a tree, or on a perch at a small distance from the cross: its skin belongs to the officiating priest.

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#### CIRCASSIAN WOMEN.

The *Noutakhaüsi* Circassian women have oval faces, and generally large features; their eyes, usually black, are fine; and they hold them in high estimation, considering them as one of their most powerful weapons; they are surmounted by eyebrows which are strongly marked, whose thickness they diminish by plucking out the hairs. Their bust, which as I have already stated, is wanting in its chief ornament among the girls, is extraordinarily slight and flexible: on the other hand, with many women the lower part of the body is very large, which is considered a great beauty among the orientals, but which I thought a deformity in some of them. We cannot deny that those who are well proportioned have much nobility of carriage and voluptuousness. Their costume, besides, especially that of the married women, is very pretty. But to admire them, they must only be seen at home; for when

they go out, their slow step, and the air of nonchalance expressed in all their movements, shock the eyes of an European accustomed to the vivacity and elegant tournure of our ladies. Even the long hair, which we like to see flowing over the bosom and shoulders of a Circassian; the veil, which they fold with the art inspired in all countries by the wish to please; the robe which having confined the waist, opens to exhibit the *charvar*, which has also its attractions, become ridiculously embarrassing when a Circassian leaves her sofa. They are, in general, intelligent; their imagination is lively, and susceptible of strong passions; they love glory, and are proud of that which is acquired by their husbands in battle. All the Circassian ladies have the itch\*, but it is of a very mild description, and is called the *prince's itch*.

\* Addition in the Russian edition.

## P A T E N T S.

CHARLES PEARCE CHAPMAN, of Cornhill, zinc manufacturer, for improvements in printing silks, calicoes, and other fabrics.

James Helliwell, of Salford, Lancashire, dyer, for an improved process, whereby the texture of cotton, and certain other fabrics and materials, may be rendered impervious to water.

Humphrey Jefferies, of Birmingham, goldsmith and jeweller, for his invention of certain improvements in buttons.

Thomas Robert Sewell, of Carrington, lace manufacturer, for certain improvements in machinery for bobbin-net.

James Cropper, lace manufacturer, and Thomas Brown Milnes, of Lenton Works, in the county of Nottingham, bleacher, for improvements in machinery for manufacturing lace or net, commonly called bobbin-net lace.

William Wainwright Potts, of Burslem, Stafford, for an improved method of producing patterns in one or more colours to be transferred to earthenware, porcelain, china, glass, and other similar substances.

Thomas Parkin, of Dudley, in the county of Worcester, for improvements in sleepers or bearers applicable to rail-roads.

Bennett Woodcroft, of Ardwick, Lancashire, for improvements in printing calicoes and other fabrics, whether manufactured of cotton, silk, wool, or linen, or of all or any two or three of those materials.

Alexander Gordon, of Fludyer-street, Westminster, and James Deville, of the Strand, lamp manufacturer, for improvements in the production, maintenance, direction,

or distribution of lights, parts of which improvements are applicable to other purposes.

Richard Witty, of Stoke-upon-Trent, in the county of Stafford, civil engineer, for an improved method of arranging and combining certain materials used in constructing houses, bridges, and other buildings, whereby superior strength and durability will be obtained.

James Radley, of Oldham, Lancashire, for improvements in the construction of gauges for indicating the expansive pressure of steam, or other elastic vapours or gases used expansively as a medium of power.

Miles Berry, of Chancery-lane, civil engineer and mechanical draftsman, for improvements in power looms for weaving, being a communication from a foreigner residing abroad.

Nathaniel Partridge, of Elm Cottage, near Stroud, Gloucester, for a certain composition paste, or materials, as an anti-attribution, applicable to wheels and machinery generally.

Robert William Sievier, of Henrietta-street, Cavendish-square, for an improved water-proof cloth or fabric, made either elastic or non-elastic, applicable to various useful purposes, and for an improved manufacture of water-proof hats or caps.

Nathaniel Partridge, of Elm Cottage, near Stroud, Gloucestershire, for improvements in mixing and preparing oil paints, whereby a saving of ingredients commonly used, will be effected.

John Samuel Dawes, of Birmingham, iron master, for improvements in the manufacture of iron by the application of certain known materials, and for improvements in preparing such materials, and for the

recovery of certain products in the process of manufacturing iron.

Jeremiah Horsfall and James Kenyon, both of Addingham, Yorkshire, cotton-spinners, for improvements in engines used for carding cotton, wool, and other fibrous substances.

John Bertie, of Basford, Nottinghamshire, lace-maker, for improvements in machinery for making bobbin-net lace, for the purpose of producing ornamental net or lace of various kinds.

John Houldsworth, of Glasgow, cotton-spinner, for certain improvements applicable to drawing and slabbing frames, used in the manufacture of cotton and other fibrous substances, being a communication from a foreigner residing abroad.

Lightly Sampson, of Manchester, chemist, for an improvement in the preparation of certain colours to be used for printing cotton and other fabrics.

Frederick Hempel, of Praineburg, in Prussia, Doctor of Chemistry, now residing in Great Portland-street, for improvements in oxidizing certain animal or vegetable substances, and for separating the several and different parts of such substances, and to render them by means of different operations; not only separately, but also in combination with other materials, capable of producing useful articles.

Daniel Dewhurst, of Preston, flax-spinner, and Thomas Hope, Joseph Hope, and Isaac Hope, all of Manchester, for new and improved machinery for preparing flax and hemp, and for spinning flax, hemp, cotton, silk, and other fibrous substances.

William Carpmael, of Crawford-street, for improvements in locomotive steam-carriages, part of which are also applicable to steam-engines and boilers in general, being a communication from a foreigner residing abroad.

Robert Griffiths, of Birmingham, for improvements in machinery for making rivets, screw-blanks and bolts.

William Coles, of Charing-cross,

for improvements applicable to locomotive carriages.

John Osbaldeston, of Blackburn, for an improved method of making a metal heald or healds for the weaving of silk, woollen, worsted, cotton, or any other fibrous substances.

Ovid Topham, of Whitecross-street, St. Luke's, engineer, for improvements in dressing, starching, cleaning, and drying lace or net, known by the trade by the term of getting-up lace or net.

John Warwick, of Three Kings-court, Lombard-street, for an improved lock and key, being a communication from a foreigner residing abroad.

Henry Booth, of Liverpool, for his invention of an improved method of attaching railway carriages together, for the purpose of obtaining steadiness and smoothness of motion.

Pierre Erard, of Great Marlborough-street, for improvements on harps:

John Bailie, of Great Suffolk-street Southwark; and John Paterson, of Mincing-lane, for improvements in propelling of vessels and other floating bodies by means of steam or other power.

Thomas Howell, Bristol, for improvements in musical instruments.

Nicholas Troughton, of Broad-street, London, for improvements in the process of obtaining copper from copper ores.

John Thomas Betts, of Smithfield-bars, for improvements in the process of preparing spirituous liquors in the making of brandy, being a communication from a foreigner residing abroad.

John Heathcoat, of Tiverton, lace manufacture, for a method of weaving or manufacturing divers kinds of goods and wares, and for machines or machinery applicable thereto.

John Filmore Kingston, for a new rotary engine.

William Bulnois, the younger, for an improved combination or arrangement of springs for carriages.

Stephen Reed, for a method or invention of two improved hooks,

and an improved bow for corves, baskets, buckets, and other vessels which are conveyed, either loaded or empty, from one level to another, by being suspended and let down or drawn up, more especially for such corves, baskets, buckets, and other vessels as are used for the purpose of letting down their contents to a lower level, or of raising the same to a higher elevation, in mines, pits, wells, shafts, quarries, collieries, warehouses, factories, buildings, dock-yards; also in and about ships, boats, and vessels, and the tackling thereof, and other works; and, in general, in all works and cases where cranes, common hooks, and bows are now used.

John Baring, for certain improvements in machinery, or apparatus for combing or brushing and separating wool. Communicated by a foreigner residing abroad.

Frederick Edward Harvey, for certain improvements in the process and machinery for manufacturing metallic tubes, and also in the process or machinery for forging or rolling metal for other purposes.

Edmund Ashworth and James Greenough, for certain improvements in the machinery used in preparing and spinning cotton, silk, wool, and other fibrous material.

Henry Adcock, for certain improvements in the loading and unloading of ships, brigs, schooners, and other vessels, especially applicable to the unloading of those vessels called colliers, which usually discharge their cargoes in that part of the River Thames, called the Pool, near London.

Alexander Massie, Robert Morton, William Ranwell, and Ebenezer Ranwell, for certain improvements in the construction of paddles, or paddle-wheels for propelling of vessels, which improvements are also applicable to the construction of water-wheels for mills.

Samuel Fenton, for an improvement or improvements in the construction of locks and latches for doors, gates, and other useful purposes.

Frederick Herbert Maberly, for improved machinery for raking, scraping, and sweeping roads or streets.

John Howard Kyan, for a new mode of preserving certain vegetable substances from decay. To extend only to his Majesty's colonies and plantations abroad.

Andrew Smith, for certain improvements in engines for exerting power for driving machinery, and for raising and lowering heavy bodies.

Charles Schafnautl, for an improved steam generator.

Joshua Procter Westhead, for an improved method of cutting caoutchouc, or India-rubber, leather, hides, and similar substances, so as to render them applicable to various useful purposes.

Michael Hodge Simpson, for certain improvements in machinery or apparatus for heckling or combing and preparing hemp, flax, tow, and other vegetable fibrous substances and also waste silk. Communicated by a foreigner residing abroad.

Joseph Lidel, for certain improvements in piano-fortes. Communicated by a foreigner residing abroad.

William Bucknall, for improvements in machinery for propelling vessels, and for water-wheels.

Frederick Chaplin, for an improvement in tanning hides and skins of certain descriptions.

Henry Martinson Robinson, for improvements in certain descriptions of lamps.

John Barsham, for improvements in the manufacture of oxalic acids, and salacetecella.

Francois Peyre, jun., for certain improvements in the means of economising fuel in ships' hearths, or cooking apparatus, and of obtaining distilled water from sea-water, which improvements apply to generating steam. Communicated by a foreigner residing abroad.

Clinton Gray Gilroy, for certain improvements in machinery for weaving plain and figured fabrics.

William Gilyard Scarth, and Robert

**Scarth**, both of Leeds, dyers, for manufacturing or preparing of a certain substance for blue dyers, from materials not hitherto used for that purpose, applicable for dying blue and other colours.

**Charles Schafhautl**, of Sheffield, for improved gear for obtaining a continuous rotary action.

**James Morrison**, of Paisley, manufacturer, for an improvement on the Jacquard machine, and on what is called the tens-box lay, and in the reading and stamping machines used in making shawls and figured work.

**James Diggle**, of Bury, Lancashire, for certain improvements in steam-engines.

**John Birkby**, of Upper Rawfolds, near Leeds, card maker, for improvements in machinery in making needles.

**Walter Hancock**, of Stratford, Essex, engineer, for an improved arrangement and combination of certain mechanical means of propelling vessels through water.

**John Cox**, of Bristol, soap-manufacturer, for certain improvements in the manufacture of soap, which will be particularly applicable to the felt-ing or fulling of woollen cloths.

**Sir John Scott Lillie**, of Fulham, Middlesex, for an improved mode of acquiring power for the purpose of propelling carriages, barges, and other the like contrivances for conveying goods and passengers.

**Edward Jelowicki**, of Seymour-place, Bryanstone-square, for certain improvements in steam-engines.

**Thomas Alcock**, of Claines, in the county of Worcester, lace-manufacturer, for his invention of certain improvements in machinery for making bobbin-net lace, for the purpose of producing certain kinds of ornamental bobbin-net lace and other fabrics, by aid of the improvements which are in part applicable to machinery constructed according to his former improvements, for which two several Letters Patent were granted to him on the 8th day of December, 1832, and other Letters Patent on the 12th day of February, 1835.

**Alphonsus William Webster**, of Regent-street, aurist, for his instrument or apparatus to be applied to the ear, to assist hearing.

**John Birkby**, of Upper Rawfolds, for improvements in machinery for making needles.

**Robert Brettie Bate**, of the Poultry optician, for his invention of certain improvements upon hydrometers and saccharometers, for the term of seven years, to be computed from the 21st of March instant.

**Louis Elize Seignette**, of Mincing-lane, merchant, for improvements in preserving animal and vegetable substances; being a communication from a foreigner residing abroad.

**Francis Gybbon Spilsbury**, of New-man-street, engineer, for his invention of certain improvements on machinery or apparatus for stamping up and compressing metals or other substances.

**William Maugham**, of Newport-street, Lambeth, for his invention of certain improvements in the production of chloride of lime and certain other chemical substances.

**William Hale**, of Greenwich, engineer, for his invention of certain improvements on machinery applicable to vessels propelled by steam or other power; which improvements, or other parts thereof, are applicable to other useful purposes.

**William Westley Richards**, of Birmingham, gun-maker, for improvements in primers for discharging fire-arms, by means of percussion.

**John Lionel Hood**, of Newcastle-upon-Tyne, and **Andrew Smith**, of Princes-street, Leicester-square, for an improved mode of manufacturing belts, bands, and straps, to be employed in place of ropes or chains, and for other useful purposes.

**William Blurton**, of Field Hall, near Uttoxeter, Staffordshire, for an improved method of, and apparatus for, extracting milk from cows and other animals.

**William Preston**, of Sunnyside, Lancashire, for improvements in printing calico and other fabrics.

**John Burn Smith**, of Salford, for

improvements in machinery for roving, spinning, and twisting cotton, and other fibrous substances.

John Whiting, M. D. of Rodney Buildings, New Kent Road, for improvements in preparing certain farinaceous food.

John Macneil, of Parliament-street, civil engineer, for improvements in making or mending turnpike, or common roads.

Henry Sharpe, of Broad Street Buildings, merchant, for improvements in sawing wood and other materials, being a communication from a foreigner residing abroad.

William Sneath, of Ison Green, Notts. lace maker, for improvements in machinery, by aid of which thread-work ornaments of certain kinds can be formed in net, or lace, made by certain machinery, commonly called bobbin-net-machinery.

William Augustus Howell, of Ramsgate, for improvements in the construction of springs for doors.

Thomas Henry Russell, of Took's Court, London, for improvements in making or manufacturing welded iron tubes.

Edward Pontifex, of Shoe Lane, London, coppersmith, for an improvement in the process of making and refining sugar, being a communication from a foreigner residing abroad.

Joseph Banister, of Colchester, for improvements in watches and other time-keepers.

John Elvey, of Canterbury, for improvements in steam-engines.

Matthew Hawthornthwaite, of Kendal, for a new mode of producing certain patterns in certain woven goods.

Thomas Taylor, of Banbury, for improvements in saddles for riding.

Luke Hebert, of Paternoster Row, London, for his improvements in horse-collars, being a communication from a foreigner residing abroad.

John Hague, of Cable Street, Wellclose Square, engineer, for raising water, by the application and arrangement of a well-known power, from mines, excavations, holds of ships, or vessels, and other places, where water may be deposited or ac-

cumulated, whether from accidental or natural causes, and also applying such power to, and in giving motion to certain machinery.

Richard Waddington and John Hardman, of Bradford, iron founders, for an improved method of making and constructing wheels for railway carriages.

Richard Birkin, of Basford, Notts. lace-manufacturer, for certain improvements in machinery for making lace, commonly called ornamented bobbin-net lace.

Richard Wilson, of Blyth Sheds, Northumberland, builder, for improvements in making or manufacturing fire-places, slabs, columns, monuments, and cornices, such as have heretofore been made of marble.

Thomas Grahame, of Suffolk Street, Pall-Mall, for improvements in passing boats and other bodies from one level to another.

John Ashdowne, of Tunbridge, Kent, for improvements in apparatus to be added to wheels to facilitate the draft of carriages on turnpike and common roads.

Wheatley Kirk, of Leeds, for improvements in plant-frames.

Joseph Whitworth, of Manchester, for improvements in machinery for spinning and doubling cotton, wool, and other fibrous substances.

David Fisher, of Wolverhampton, for an improvement in steam-engines.

Henry Walker Wood, of Austin Friars, for improvements in certain locomotive apparatus.

James Brown, of Oak Mills, Penny-quick, for improvements in machinery or apparatus for making paper.

Thomas Beck, of Little Stoneham, Suffolk, for an apparatus for obtaining power and motion, to be used as a mechanical agent generally, which he intends to denominate *Note vivee*.

Pierre Barthelemy Guinibert Debao, of Brixton, Surrey, civil engineer, for improvements in railways.

Henry Elkington, of Birmingham, for an improved rotary steam-engine.

William Watson, of Leeds, for an improvement in dyeing stuffs, by the

application of certain chemical matters, never before applied to that purpose.

Alexander Ritchie, of Leeds, for an improvement in dressing and finishing woollen cloths, and other woven fabrics, being a communication from a foreigner residing abroad.

Thomas Vaux, of Woodford Bridge, Essex, for a certain mode of constructing and applying a revolving harrow for agricultural purposes.

Robert Smith, of Manchester, engineer, for improvements in the means of connecting metallic plates for the construction of boilers and other purposes.

William Wright, of Salford, for improvements in twisting machinery, used in the preparation, spinning, or twisting of cotton, flax, silk, wool, hemp, and other fibrous substances.

Henry Dunnington, of Nottingham, for improvements in making or manufacturing lace.

Samuel Hall, of Basford, Notts. for improvements in propelling vessels; also improvements in steam-engines, and in the method of working some parts thereof.

Joseph Bencke Gerothwohl, of Camberwell Grove, for certain improvements in filtration, being a communication from a foreigner residing abroad.

Francis Pettit Smith, of Hendon, Middlesex, farmer, for an improved propeller for steam and other vessels.

William Gossage, of Stoke Prior, Worcestershire, for improvements in the apparatus or means used for evaporating water from saline solutions, and in the construction of stoves for drying salts.

Luke Hébert, of Paternoster Row, patent agent, for certain improved machinery and processes for economising and purifying the manufacture of bread, a part of which is applicable to other purposes.

Baron Henry de Bode, Major-General in the Russian service, of Edgeware Road, for improvements in capatans.

Manoah Bower, of Birmingham,

for improvements applicable to various descriptions of carriages.

John Young, of Wolverhampton, for improvements in the making or manufacturing of metal hinges for doors, and other purposes.

Daniel Chambers, of Carey Street, Lincoln's Inn, and Joseph Hall, of Margaret Street, Cavendish Square, plumber, for improvement in pumps.

Miles Berty, of Chancery Lane, for improvements in machinery or apparatus for cleaning, purifying, and drying wheat, or other grain or seeds, being a communication from a foreigner residing abroad.

Amos Gerald Hull, of Cockspur Street, Charing Cross, for improvements in instruments for supplying the prolapsed uterus.

Edward Massey, of King Street, Clerkenwell, for improvements in the apparatus used for measuring the progress of vessels through the water, and for taking soundings at sea.

Jacob Perkins, of Fleet Street, civil engineer for improvements in apparatus for cooking.

Miles Berry, of Chancery Lane, for improved apparatus for torrefying, baking, and roasting vegetable substances, which, with certain modifications and additions, is also applicable to the evaporation and concentration of saccharine juices and other liquids, being a communication from a foreigner residing abroad.

To Charles Schafhautl, of Dudley, Worcestershire, for improved apparatus for puddling iron.

John White, of Southampton, engineer, for improvements in rotary steam-engines, which implements, or parts thereof, are applicable to other useful purposes.

James Dredge, of Bath, for certain improvements in the construction of suspension chains for bridges, viaducts, aqueducts, and other purposes, and in the construction of such bridges, viaducts, or aqueducts.

John Hopkins, of Exmouth Street, Clerkenwell, for improvements in furnaces for steam-engines, boilers, and other purposes.

Louis Gachet, of Cambridge Heath, Middlesex, for improvements in machinery for manufacturing and producing velvets and certain other fabrics.

Joseph Bunnett, of Newington Causeway, for improvements in window-shutters, which improvements may also be applied to other useful purposes.

William Watson, of Liverpool, for improvements in the manufacturing of sugars from beet-root and other substances.

Miles Berry, of Chancery Lane, for certain improvements in machinery or apparatus for forming staves for barrels, casks, and other purposes, being a communication from a foreigner residing abroad.

Lewis Matthias Horliac, of the Haymarket, for certain improvements in carriages and harness, being a communication from a foreigner residing abroad.

Oliver Bird, of Woodchester, and William Lewis of Brunscumb, in Gloucestershire, clothier, for their invention of certain improvements in machinery applicable to the dressing of woollen and other cloths requiring such process.

John Ericsson, of Brook-street, New Road, for an improved propeller applicable to steam-navigation.

Samuel Brown, of Boswell Court, Carey-street for certain improvements for generating gas, which improvements are also applicable to other useful purposes.

Charles Phillips, of Chipping Norton, for improvements in drawing off beer, and other liquors, from casks or vessels.

John Ericsson, of Brook-street, New Road, for improved machinery to be used in the manufacturing of files.

Charles Wheatstone, of Conduit-street, and John Green of Soho-square, for a new method of forming musical instruments, in which continuous sounds are produced from strings, wires, or springs.

Peter Spence, of Henry-street, Commercial Road, for certain im-

provements in the manufacture of Prussian blue, prussiate of potash, and plaster of Paris.

Charles Brandt, of Belgrave-place, Pimlico, for his invention of an improved method of evaporating and cooling fluids.

Nathan Bailey, of Leicester, for improvements in, or additions to, machinery for manufacturing stocking fabric.

Webster Flockton, of the Spa-road, Bermondsey, for improvements in preserving timber.

John Archibald, of Alva, in the county of Stirling, for improvements in the machinery or apparatus for carding wool, and doffing, straightening, piercing, roving, and drawing rolls, or carding of wool.

Ramsey Richard Reinagle, of Albany-street, Regent's Park, for improvements in the construction of carriages for the conveyance of persons and goods, or merchandise.

Thomas Binns, of Mornington-place, Hampstead Road, for improvements in railways, and in the steam-engines to be used thereon, and for other purposes.

Thomas John Fuller, of the Commercial-road, Limehouse, for a new or improved screen for intercepting or stopping the radiant heat arising or proceeding from the boilers and cylinders of steam engines.

John Burns Smith, of Salford, and John Smith of Halifax, for their method or methods of tentering, stretching, or keeping out cloth to its width, made either of cotton, silk, wool, or any other fibrous substances, by machinery.

Henry Pershouse Parkes, of Dudley, Worcestershire, for improvements in flat pit chains.

Joseph Douglas, of Morpeth, for improvements in the manufacture of oakum.

Edward Light, of Royal-street, Lambeth, for improvements in propelling vessels and other floating bodies.

William Newton, of the office for Patents, Chancery-lane, for improvements in the means of producing instantaneous ignition, being a com-

munication from a foreigner residing abroad.

Robert Allen Hurlock, of Whaddon Cambridgeshire, clerk, for improvements in axle-trees.

Joshua Butters Bacon, of Regent-square, for improvements in the structure and combination of certain apparatus employed in the generation and use of steam.

William Fothergill Cooke, of Belaysse College, in the county of Durham, for improvements in winding up springs, to produce continuous motion, applicable to various purposes.

Joseph Hall, of Margaret-street, Cavendish-square, for improvements in the manufacture of salt.

François de Tausch, of Percy-street, Bedford-square, military engineer to the King of Bavaria, for improvements in apparatus or machinery for propelling of vessels for raising water, and for various other purposes.

Thomas Gauntley, of Nottingham, for improvements in machinery for making lace and other fabrics, commonly called warp machinery.

George Leach, of Norfolk-street, Islington, for an improved method of connecting window sashes and shutters, such as are usually hung and balanced by lines and counter weights, with the lines by which they are so hung.

Robert Griffiths, and John Gold, of Birmingham, for improvements in machinery for grinding, smoothing, and polishing plate-glass, window-glass, marble, slate, and stone, and also glass vessels, and glass spangles and drops.

John Pickersgill, of Coleman-street for improvements in preparing and applying India rubber caoutchouc to fabrics, being a communication from a foreigner residing abroad.

James Surrey, of York House, Battersea, for a new application of a principle by which mechanical power may be obtained or applied.

William Bush, of, Wormwood-street, Bishopsgate Within, for improvements in the means of, and in the apparatus for, building and work-

ing under water, part of which improvements are applicable for other purposes.

Charles Farina, of Clarendon-place, Maida Vale, Middlesex, for an improved mashing apparatus.

William Hinckes Cox, of Bedminster, for improvements in tanning hides and skins.

John Frederick William Hempel, of Clapham, and Henry Blundell, of Hull, for an improved method of operating upon certain vegetable and animal substances, in the process of manufacturing candles therefrom, being a communication from Fred. Hempel, aforesaid, deceased.

Joshua Bates, of Bishopsgate-street, for improved apparatus or machinery for making metal hinges, being a communication from a foreigner residing abroad.

Peter Ascanius Teandi, of Manchester, for a new extract, or vegetable acid, obtained from substances not hitherto used for that purpose, which may be employed in various processes of manufacture, and in culinary or other useful purposes, together with the process of obtaining the same, being a communication from a foreigner residing abroad.

William Bates, of Leicester, for improvements in the manufacture of reels, for reeling cotton.

Moses Poole, of Lincoln's Inn, for improvements in the description of public vehicles called cabs, being a communication from a foreigner residing abroad.

To Robert Jupe, of Bond-street, for his invention of improvements in apparatus applicable to book and other shelves.

William Crofts, of Radford, Notts, for improvements in machinery for bobbin-net lace.

Henry Van Wort, and Samuel Aspinall Goddard, of Birmingham, for improvements in locomotive steam-engines and carriages, parts of which improvements are applicable to ordinary steam-engines and other purposes.

John Smith, of Halifax, for improvements in machinery for worsted.

# POETRY.

## THE ROYAL ACADEMY:

SOMERSET HOUSE.

*From Bird's "Metropolitan Sketches."*

### I.

PAINTERS and Poets, 'tis averred, are brothers—  
 This may be true for aught that I can tell;  
 If so, one would imagine that their mothers  
 Had all drank deeply at the *Phocian* well;  
 Some have deemed Poets madmen—haply, others  
 Have thought that Painters ought with these to dwell  
 In the same bedlam, where their eyes may roll  
 In a "fine frenzy," flaming from the soul!

### II.

When Spring comes laughing o'er our bonny land,  
 When blithe the thrush sings on the blossomed spray,  
 When the pied meadows and the breezes bland,  
 Proclaim aloud the merry month of May,  
 Haste from the fields, and, in the crowded "Strand,"  
 Seek the far-famed "ACADEMY."—Away!  
 Leave Nature's smiling scenes, and, as a foil,  
 Behold her *there* blush modestly in oil!

### III.

How have I longed to see the "EXHIBITION,"  
 That pleasing, puzzling paradise of paint!  
 And, having bought my ticket, *sans* remission  
 I've sprung up stairs, despite of those who faint—  
 Sundry fair ladies, in a fair condition,  
 O'ercome by heat:—and, not without restraint,  
 Have I squeezed through the *posse*, like a weasel,  
 To view the magic wonders of the easel!

## IV.

Well, having gained the first embellished room,  
 We there may gaze around with wondering eyes,  
 On fairy scenes, on beauty, and on bloom,  
 On light and shade, and all their mysteries,  
 Wrought from the world of radiance and of gloom,  
 Till, to find rest, the wandering vision tries  
 To fix upon some masterpiece of art,  
 From which the eye feels sorry to depart.

## V.

Perchance it rests upon some scene by *Hilton*,  
 Or leans to *Landseer's* long-eared lively spaniel,  
 Or *Etty's* canvass with a touch of *Millon*,  
 Or huge dead elephant, as drawn by *Daniell*.  
 Oh! *Constable!*—thy paint looks as though spilt on  
 Thy rigid canvass, and rubbed down with flannel!  
 Thou, once sweet painter of the winding Stour,  
 What made thee change thy style in evil hour?

## VI.

And thou, great *Pickersgill!* a word with thee—  
 Why wilt thou draw the dandies of the age,  
 Whom 'tis not worth a lobster's claw to see?  
 Why dost thou not search History's stirring page,  
 Or roam the blooming fields of Poesy,  
 And let her scenes thy master-hand engage;  
 That hand woos nature—throws new beauties o'er her;  
 Witness thine own sweet, lovely, chaste *Medora!*

## VII.

The truth is, *Pickersgill*, that thou must sleep,  
 And eat, and drink, and wear a decent coat;  
 Thou must paint *Portraits*, Sir, if thou wouldst keep  
 Thy soul and body on life's sea afloat;  
 So, ply thy graphic fingers, and soon reap  
 A golden harvest from rich folk of note!  
 Take off their heads to charm all nice beholders;  
 They seldom charm while on the wearer's shoulders!

## VIII.

Our painters are as numerous as the things  
 That crept, of old, into Noah's spacious ark !  
 Let critics point their tantalizing stings,  
 Or, cur-like, bite at some, at others bark ;  
 For me, a *dauber* in the art which brings  
 Beauty and light, as 'twere, from chaos dark,  
 Shall have my sympathy, though one might blush  
 To see the wild vagaries of his brush !

## IX.

Enchanting Art !—opposer of stern death !  
 Time's silent enemy !—the grave's deceiver !  
 Thou keep'st alive our friends, though fled their breath ;  
 So true thy portrait, that the fond believer  
 Looks, till he fancies that the earth beneath  
 Restores the dead to thee, thou kind retriever !  
 Thy power reclaims the past of life, supplies  
 What absence steals, and what, without thee, dies !

## X.

Thou call'st on beauty, and her countless forms,  
 Arise, to wait upon thy magic hand ;  
 Beneath thy touch the glowing canvas warms,  
 And scenes come forth as though from fairy-land ;  
 Or, more sublime, thou wak'st the fiend of storms,  
 And the red lightning glares at thy command.  
 While the deep passions of the human soul  
 Await thy beck, and move at thy controul !

## XI.

'Tis thine to raise our laughter and our tears,  
 Thou canst create anew the vanished scene,  
 Recal the memory of forgotten years,  
 And show us what the state of man has been ;  
 Raise but thy subtle wand, and quick appears  
 The sterile hill, or smiling valley green :  
 Enchanting Art ! to study thee aright  
 Attunes the soul to virtue and delight.

ON A PAINTING OF ZUCCHARELLI, IN POSSESSION OF  
MRS. BATT, OF "NEW HALL," NEAR SALISBURY.

BY W. L. BOWLES.

BEAUTIFUL landscape! I could look on thee  
For hours—unmindful of the storm and strife,  
And mingled murmurs of tumultuous life.  
Here, all is still as fair—the stream, the tree,  
The wood, the sunshine on the bank: no tear—  
No thought of Time's swift wing, or closing night,  
Which comes to steal away the long sweet light,—  
No sighs of sad humanity, are here.  
Here is no tint of mortal change—the day—  
Beneath whose light the dog and peasant-boy  
Gambol, with look, and almost bark, of joy—  
Still seems, though centuries have passed, to stay.  
Then gaze again, that shadow'd scenes may teach  
Lessons of peace and love, beyond all speech.

 BOLTON ABBEY.

BY E. ELLIOTT.

SPIRITS of wonder, loveliness, and fear,  
Dwell in these groves, beneath o'er-arching trees,  
With the dim presence of their mysteries  
Haunting the rocks and mountain-shadows near:  
They pass the lone enthusiast, wandering here  
By strangled Wharfe, or Barden's ancient tower;  
Pass him, nor shake a dewdrop from a flower,  
But with their whispers soothe his soul-taught ear,  
As with a dream of prayer; until he starts,  
Awaken'd from deep thoughts of Time's calm might  
And Nature's beauty, and in awe departs;  
When to the Abbey's moonlight tinted walls  
The demon of the spectred river calls,  
Mock'd by the voices of mysterious night.

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